



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

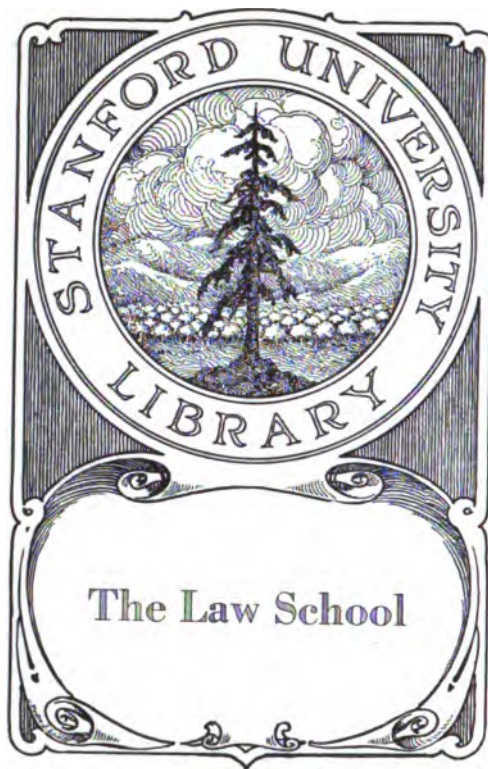
Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>



Pen used in 1870

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF KENTUCKY

PASSED AT THE

REGULAR SESSION OF THE GENERAL ASSEMBLY, WHICH
WAS BEGUN AND HELD IN THE CITY OF FRANK-
FORT ON MONDAY, THE FIRST DAY
OF DECEMBER, 1873.

PROPERTY OF THE STATE OF KENTUCKY.

FRANKFORT, KY.:
PRINTED AT THE KENTUCKY YEOMAN OFFICE,
S. I. M. MAJOR, PUBLIC PRINTER.
1874.

L 8474

NOV 1 1933

YANBU GORMATE

"§ 23. * * * And it shall be the duty of the Public Printer to carefully compare the printed acts, whether of a general, local, or private character, with the acts on file in the office of Secretary of State, so that they may, in every respect, conform in language."—*Chapter 67, sec. 23, page 613, title "Laws," of the General Statutes.*

In compliance with the above provision of the General Statutes, the "engrossed bills"—from which the Public Printer prints—have been carefully compared with the "enrolled acts" on file in the office of Secretary of State. The discrepancies are noted below.

S. I. M. MAJOR, *Public Printer.*

By D. C. BARRETT, *Supt. Public Printing Office.*

ERRATA.

Chapter 74, House bill, page 8, section 1, line 8, read "juridical" for "judicial;" in line 11 read "each year" for "said year."

Chapter 176, House bill, page 19, section 1, line 6, before the word "twenty" read the word "insert."

Chapter 287, House bill, page 29, section 1, line 8, after the word "name" read "it."

Chapter 449, Senate bill, section 11, line 5, page 53, for "the claim" read "any claim;" section 12, line 17, for "is issued" read "was issued."

Chapter 452, House bill, section 1, line 3, page 56, for "to prescribe" read "or prescribe."

Chapter 483, House bill, section 1, line 6, page 60, for "parties" read "patient;" section 2, line 3, for "what" read "that."

Chapter 573, Senate bill, section 1, line 4, page 69, for "terms" read "times."

Resolution No. 23, line 6, page 81, for "same" read "sum."

Chapter 25, Senate bill, section 9, line 2, page 110, for "addition" read "additional."

Chapter 29, House bill, section 8, line 4, page 116, after the word "county" read "court."

Chapter 46, House bill, section 1, line 2, page 124, for "and his sureties" read "or his sureties."

Chapter 49, House bill, section 1, lines 2 and 5, page 125, for "issued" read "used."

Chapter 60, House bill, section 2, lines 3 and 4, page 131, for "said court of common pleas which has" read "which said court of common pleas has."

Chapter 61, House bill, last line of preamble, page 132, for "valued" read "valid."

Chapter 67, House bill, section 1, lines 2, 5, and 7, page 134, for "assignees" read "assigns."

ERRATA.

- Chapter 76, House bill, page 138, in title, for "production" read "protection."
- Chapter 77, House bill, section 1, line 2, page 140, for "prescribed" read "principal."
- Chapter 103, House bill, section 1, line 4, page 155, after the word "in" read "Fayette."
- Chapter 135, Senate bill, page 172, in title, for "Male and Female" read "Murray Male and Female."
- Chapter 139, Senate bill, section 1, line 12, page 176, after the word "thence" read "south;" line 16, after the word "this" read "act."
- Chapter 154, House bill, section 4, lines 3 and 4, page 185, for the words "their offices for one year, and until their successor are appointed and qualified," read "his office for one year and until his successor is appointed and qualified."
- Chapter 159, House bill, section 10, subsection 2, line 8, page 194, for "to county court" read "the county court;" subsection 4, line 3, for "exacted" read "enacted;" section 20, line 10, after the word "to" read "time."
- Chapter 161, Senate bill, section 8, line 4, page 204, for "depositors" read "depositor."
- Chapter 178, House bill, section 7, line 4, page 213, for "successors" read "successor."
- Chapter 179, Senate bill, section 8, line 15, page 217, for "recorded" read "recovered."
- Chapter 181, Senate bill, section 3, line 1, page 218, for the word "same" read "said."
- Chapter 183, Senate bill, section 2, line 13, page 220, for the word "served" read "sued."
- Chapter 191, House bill, section 3, line 19, page 223, after the word "seventy-five" read "yards;" section 4, line 7, after the word "twenty" read "five."
- Chapter 192, House bill, section 3, line 2, page 226, for the word "contract" read "construct."
- Chapter 194, Senate bill, section 9, page 230, line 5, after the word "said" read "railroad company," and in line 6, after the word "terms" omit the words "railroad company," and in line 11, for the words "be paid" read the word "repair;" in section 21, line 15, page 237, after the word "city" read "court."
- Chapter 196, Senate bill, section 1, line 18, page 239, for "east line" read "last line."
- Chapter 208, House bill, section 10, line 4, page 255, for "shall and receive" read "shall receive."
- Chapter 212, Senate bill, section 1, line 6, page 261, after the word "escheated" read "estate."
- Chapter 219, House bill, section 6, line 6, page 267, before the word "section" read "this."
- Chapter 244, Senate bill, line 3 of preamble, page 282, for "date" read "State."
- Chapter 268, Senate bill, section 12, lines 2 and 11, page 305, for "license" read "licenses."
- Chapter 277, House bill, section 2, line 7, page 311, for the word "same" read "sworn."
- Chapter 297, in last line of preamble, page 320, before the word "therefore" read "to pay said claim."
- Chapter 306, House bill, under heading "*Sixth Ward*," line 3, page 330, after the words "Liberty street" read "thence with said center line of Liberty street;" section 15, line 24, page 343, for the words "thereupon the owners of corner lots, &c.," read "thereupon the liability of the city shall cease. The owners of corner lots to bear the expense of sidewalk intersections adjoining their respective property;" section 17, page 346, line 18, after the word "each" read "per annum."
- Chapter 317, Senate bill, section 6, line 5, page 381, for the word "two" read "ten."
- Chapter 323, House bill, section 2, line 9, page 387, after the word "thereto" read "the said."

ERRATA.

v

- Chapter 327, Senate bill, in title, line 2, page 388, for the word "prevent" read "punish."
- Chapter 328, Senate bill, section 1, line 9, page 389, for the word "from" read "for."
- Chapter 361, Senate bill, section 2, line 5, page 411, for the words "set off" read "set up."
- Chapter 383, Senate bill, section 1, line 8, page 424, for the word "only" read "duly."
- Chapter 384, Senate bill, section 1, line 2, page 426, for "deer-hunting" read "deer-driving."
- Chapter 385, Senate bill, section 12, line 3, page 429, for "granted" read "wanted:" in line 4, after the word "said," read "road;" section 13, line 4, page 430, for "said road" read "railroad;" section 14, line 7, page 431, for "road or branches having" read "road and branches bearing;" section 15, line 14, page 432, for "said holders" read "bondholders;" section 16, line 6, for "returning" read "retiring;" section 19, line 2, for "receive" read "own;" section 20, line 5, for "cars" read "law;" section 21, line 2, for "or grade" read "at grade;" in line 3, for "or such other roads" read "on such other trains on such other roads."
- Chapter 387, Senate bill, section 2, line 21, page 434, for "bonds of" read "bonds or."
- Chapter 389, Senate bill, section 1, line 10, page 436, for "house tract" read "home tract." section 2, line 1, for "the" read "this."
- Chapter 393, Senate bill, page 438, for "George W. Bradhume" read "George W. Bradburn."
- Chapter 400, House bill, section 1, line 4, page 444, for "ten years" read "two years."
- Chapter 408, House bill, section 1, line 4, page 449, for "what" read "which."
- Chapter 409, House bill, section 2, line 6, page 449, for "drunkard" read "drunken."
- Chapter 414, House bill, article 2, section 1, line 8, page 453, for "confederate" read "corporate;" article 3, section 9, line 10, page 458, for "at" read "and;" article 4, section 6, line 4, page 460, after the word "giving" read "bond with."
- Chapter 417, House bill, line 8 of preamble, page 470, after the word "was" read "denied."
- Chapter 438, Senate bill, section 4, line 2, page 490, for "accrued" read "agreed."
- Chapter 450, House bill, pages 517 and 518, for "judicial days," wherever it occurs, read "juridical days."
- Chapter 455, House bill, in preamble, line 3, page 522, for "refund" read "expend."
- Chapter 457, House bill, section 1, line 5, page 523, for "Mason" read "Marion."
- Chapter 462, House bill, line 9 of preamble and line 3 of section 1, page 526, for "appropriated" read "apportioned."
- Chapter 464, House bill, section 2, line 5, page 527, for "January" read "May."
- Chapter 471, Senate bill, section 1, line 6, page 531, for "covenant" read "consent."
- Chapter 473, House bill, section 1, line 14, page 532, for "secure" read "receive."
- Chapter 485, House bill, section 1, line 11, page 541, for "Monday" read "Wednesday."
- Chapter 489, House bill, section 1, line 15, page 546, for "one vote" read "vote."
- Chapter 491, House bill, section 10, line 11, page 547, for "of" read "to."
- Chapter 493, House bill, section 1, line 11, page 549, for "impose" read "improve."
- Chapter 498, House bill, section 5, line 9, page 556, for "within or" read "within the."
- Chapter 513, House bill, page 573, in title, for "Academy" read "Institute."
- Chapter 514, House bill, section 2, line 11, page 576, for "thus such and the lands" read "and the lands;" section 3, line 4, for "desd" read "deem;" section 8, line 10, page 578, for "those" read "three."
- Chapter 518, House bill, section 1, lines 1 and 4, page 581, for "impair" read "injure."

ERRATA.

- Chapter 523, House bill, section 1, line 8, page 583, for "liens" read "levies."
- Chapter 533, House bill, section 1, page 594, after "P. L. Netherland" read "S. T. Chandler."
- Chapter 536, House bill, section 1, line 16, page 599, after the word "association" read "may deem necessary. The said association."
- Chapter 537, House bill, in preamble, line 7, page 600, for "efficacy" read "efficiency," and for "using lands" read "mining lands."
- Chapter 540, House bill, page 604, enacting clause omitted.
- Chapter 554, House bill, subsection 6 of section 10, line 3, page 620, for "as" read "or;" section 21, line 2, page 624, for "assets" read "arrest."
- Chapter 565, House bill, section 1, line 9, page 633, after the words "at any," where they first occur in the line, read "or every annual court of claims."
- Chapter 569, House bill, section 2, line 6, page 635, for "suspended" read "superseded."
- Chapter 571, House bill, section 9, line 3, page 637, for "their" read "the;" section 11, line 2, for "successors" read "successor;" section 12, line 3, for "this office" read "his office."
- Chapter 588, Senate bill, line 14 of preamble, page 645, for "and" read "on."
- Chapter 590, Senate bill, section 3, line 5, page 647, for "cause it" read "consent;" section 9, line 3, page 648, for "them" read "then;" section 11, page 649, line 10, for "them" read "then;" section 11, line 12, before the word "company" read "river railroad."
- Chapter 591, Senate bill, section 15, line 10, page 655, for "control of the" read "control the."

CONTENTS.

PUBLIC ACTS

PASSED AT REGULAR SESSION, DECEMBER, 1873.

	PAGE
Chapter 1. An act regulating the times of holding the Christian quarterly courts...	1
Chapter 9. An act in aid of the Common Schools of this Commonwealth.....	2
Chapter 10. An act to take the sense of the people of this State as to the propriety of calling a Convention to revise the Constitution	3
Chapter 11. An act providing, in case of the death of a circuit, chancery, or common pleas judge, during a term of his court, for the holding of the same, and signing orders by his successor	5
Chapter 13. An act to amend chapter three of title eighteen of the Civil Code of Practice	5
Chapter 19. An act appropriating money to the Fourth Kentucky Lunatic Asylum ..	6
Chapter 22. An act to change the time of holding the Lee county and quarterly courts	7
Chapter 36. An act for the benefit of the clerks of the several courts of this Common- wealth	7
Chapter 42. An act to change the boundary line between the counties of Jefferson and Oldham	7
Chapter 53. An act to amend section seventy-seven, article one, chapter two, of the Civil Code of Practice.....	8
Chapter 74. An act to fix the time of holding the Garrard circuit court, and to amend section five, article five, chapter twenty-eight, of the General Statutes, ..	8
Chapter 98. An act in regard to sheriffs' bonds for collecting the revenue of 1874.....	8
Chapter 106. An act to change the time of holding the Hart county quarterly courts...	9
Chapter 109. An act to amend section six of chapter thirty, General Statutes	9
Chapter 110. An act, entitled "An act to change the time of holding the Lee county and quarterly courts"	9
Chapter 113. An act to change the time of holding the Butler quarterly court	10
Chapter 117. An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth.....	10
Chapter 123. An act to amend the law of evidence	12

	PAGE.
Chapter 127. An act to smend section two, article six, chapter fifteen, General Stat- utes	12
Chapter 130. An act to change time of holding the September term of Shelby county quarterly court.....	12
Chapter 134. An act to provide for the registration of marriages, births, and deaths ..	13
Chapter 150. An act to protect the owners of property in this Commonwealth against damages by fire from steam cars.....	15
Chapter 156. An act to amend section nine of chapter seventy-two of the General Stat- utes	15
Chapter 160. An act increasing the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties in this Commonwealth.....	15
Chapter 162. An act to provide for the improvement of Rockcastle river and its Forks, ..	16
Chapter 163. An act to amend chapter twenty-eight, article five, section five, title "Courts," of the General Statutes.....	18
Chapter 165. An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls "	19
Chapter 176. An act to amend chapter ninety-two, article ten, section two, title "Rev- enue and Taxation," of the General Statutes.....	19
Chapter 180. An act to amend and continue in force an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls," which be- came a law April 15th, 1873	19
Chapter 186. An act to amend chapter twenty-two of the General Statutes, title "Con- tracts "	20
Chapter 187. An act to amend section nineteen, chapter forty-two, of General Statutes, ..	20
Chapter 188. An act to amend chapter forty-nine of the General Statutes.....	20
Chapter 189. An act to amend chapter number seventy-five of the General Statutes, entitled "Master Commissioner, Receivers, and other Commissioners in Equity "	21
Chapter 199. An act to regulate the responsibility of innkeepers	22
Chapter 217. An act for the benefit of the Law Department of the Kentucky Univer- sity.....	22
Chapter 218. An act to prohibit the law partner or partners of the Attorney General, Commonwealth and County Attorneys of this State, to defend any per- son whom, by the laws of this Commonwealth, it is made the duty of said officers to prosecute.....	23
Chapter 220. An act for the protection of livery stable-keepers, farmers, and other per- sons in this Commonwealth.....	23
Chapter 230. An act to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott.....	24
Chapter 231. An act to amend section five, article thirty-five, of chapter twenty-nine, of the General Statutes, entitled "Crimes and Punishments ".....	25
Chapter 233. An act to amend section eleven, article twenty-seven, chapter twenty- nine, of the General Statutes, entitled "Crimes and Punishments ".....	25
Chapter 234. An act to amend section fourteen of article one, chapter twelve, of the General Statutes.....	26
Chapter 235. An act to amend subsection two of section one of chapter thirty-one of the General Statutes.....	26

CONTENTS.

IX

	PAGE.
Chapter 236. An act to amend chapter one hundred and two of the General Statutes, title "Small-pox"	26
Chapter 272. An act to amend article four of chapter fifty-two of the General Statutes	27
Chapter 283. An act providing for the continuation of the Geological, Mineralogical, and Botanical Survey now in progress in Kentucky, and for the prosecution of other surveys	27
Chapter 287. An act concerning the State House of Reform, and permanently establishing the Central Kentucky Lunatic Asylum	29
Chapter 289. An act to amend an act, entitled "An act for the benefit of the officers and soldiers of the 31st regiment, enrolled militia," approved February 7, 1866	30
Chapter 292. An act to amend section seven hundred and forty of the Civil Code	31
Chapter 294. An act to amend section five, article five, chapter twenty-eight, of the General Statutes, title "Courts"	31
Chapter 295. An act to amend section fourteen, article four, chapter 52, General Statutes	32
Chapter 296. An act changing the time of the meeting of the General Assembly	32
Chapter 316. An act to increase the jurisdiction of quarterly courts in Hickman, Fulton, Graves, Calloway, Henderson, Union, Webster, Todd, McCracken, Owen, Gallatin, Logan, Boyd, Barren, Boone, Monroe, Metcalfe, Edmonson, Breckinridge, Wayne, Pulaski, Marshall, Cumberland, and other counties	32
Chapter 325. An act to apportion representation in the Senate and House of Representatives	33
Chapter 344. An act to facilitate the collection of county levies and other county taxes, ...	36
Chapter 357. An act to amend section five, article five, chapter twenty-eight, of the General Statutes, title "Courts"	36
Chapter 370. An act to establish a criminal court in the Eleventh Judicial District	37
Chapter 386. An act to amend article one of chapter fifty-nine of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21st, 1870, and the acts amendatory thereto, severally approved February 24th, 1873, and March 8th, 1873, and further regulate the inspection and gauging burning fluids	40
Chapter 388. An act for the benefit of the Deaf and Dumb Asylum at Danville	42
Chapter 411. An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls"	43
Chapter 415. An act to regulate the sale of medicines and poisons	43
Chapter 419. An act to amend chapter eighty-four of the General Statutes, title "Peddlers"	45
Chapter 420. An act to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth"	46
Chapter 422. An act to amend the charter of the Cumberland and Ohio Railroad Company	46
Chapter 442. An act to amend chapter eighty-five of the General Statutes, title "Penitentiary"	47

	PAGE.
Chapter 443. An act to amend chapter ninety-two, title "Revenue and Taxation," General Statutes.....	47
Chapter 448. An act to amend the law concerning the State Lunatic Asylums and persons of unsound mind.....	50
Chapter 449. An act to re-establish the Institution for the Education and Training of Feeble-minded Children	51
Chapter 452. An act to protect citizens of this Commonwealth from empiricism.....	55
Chapter 474. An act to secure the payment into the Treasury of all fines, taxes, and license fees collected by trustees of the jury fund, clerks, and other officers	57
Chapter 481. An act to amend an act, entitled "An act to change the time of holding the circuit, chancery, and criminal courts in the twelfth judicial district"	60
Chapter 483. An act to provide for the conveyance of pauper lunatics to the various asylums in this Commonwealth.....	60
Chapter 488. An act to change the time of holding the Pulaski circuit court.....	61
Chapter 494. An act to amend chapter eighteen of General Statutes, entitled "Common Schools"	61
Chapter 519. An act to increase the jurisdiction of justices of the peace in the counties of Warren, Edmonson, Carter, and Madison	63
Chapter 521. An act to establish a uniform system of common schools for the colored children of this Commonwealth	63
Chapter 524. An act to amend article three of chapter five of the General Statutes....	67
Chapter 525. An act to repeal chapter ninety-three of the General Statutes.....	67
Chapter 541. An act to increase the jurisdiction of justices of the peace in the counties of Warren, Madison, and Simpson	68
Chapter 548. An act to amend section two, chapter ninety, of the General Statutes....	68
Chapter 572. An act to change the time of holding the Owen county court	68
Chapter 573. An act changing the time of holding the county courts in Carroll county,	69
Chapter 574. An act to extend and re-enact an act, entitled "An act for the benefit of late clerks, sheriffs, late jailers, and other civil officers of this Commonwealth having uncollected fee bills"	69
Chapter 576. An act to punish persons for fraudulently selling, concealing, or disposing of mortgaged personal property.....	69
Chapter 586. An act supplemental to and to amend an act, entitled "An act to apportion representation in the Senate and House of Representatives," approved February 19th, 1874.....	70
Chapter 594. An act to amend article three, chapter fourteen, of the General Statutes,	70
Chapter 596. An act for the appropriation of money	70

CONTENTS.

xi

RESOLUTIONS.

	PAGE.
No. 1. Resolution relating to revising the Constitution.....	74
No. 2. Resolution in relation to apportionment.....	74
No. 3. Resolution directing the furnishing of copies of the General Statutes to State Librarian for specified uses	74
No. 4. Resolution directing the furnishing of stationery to the Clerks of the Senate and House of Representatives.....	75
No. 5. Resolution in relation to printing the Journals of the two Houses for the present session.....	75
No. 6. Resolution calling for report from the Commissioners to revise the Codes of Practice	75
No. 7. Resolution calling on the Auditor for certain information.....	75
No. 8. Resolution providing for the purchase of the Holy Bible, to be placed in the State Library	76
No. 9. Resolution directing the Auditor to furnish certain statistical information....	76
No. 10. Resolution in relation to a recess of this General Assembly.	76
No. 11. Resolution directing the Auditor of Public Accounts to pay the officers of the Senate and House of Representatives per diem	77
No. 12. Resolution fixing a day for the election of certain public officers	77
No. 13. Resolution directing the reinterment of the remains of Christopher Greenup and George Madison, and the erection of a monument over their graves....	77
No. 14. Resolution in relation to the creation of additional judicial districts.....	78
No. 15. Resolution concerning the aid of the Federal Government to the Geological State Survey	78
No. 16. Resolution asking repeal of bankrupt law.....	79
No. 17. Resolution providing for the removal of the remains of Capt. John Howell, a soldier of the Revolution, to the State Cemetery at Frankfort	79
No. 18. Resolution extending the session of this General Assembly beyond the constitutional limit of sixty days	79
No. 19. Resolution directing the firing of a national salute on the 8th day of January and 22d of February, 1874.....	80
No. 20. Resolution directing Public Librarian to purchase certain books... ..	80
No. 21. Resolution directing the Governor to purchase Hart's busts of Clay and Jackson	81
No. 22. Resolution directing the Governor to have offices prepared for the Superintendent of Public Instruction in "The Fire-proof Offices" in Frankfort	81
No. 23. Resolution appropriating one hundred and fifty dollars to S. I. M. Major.....	81
No. 24. Resolution directing the Governor to provide for such pauper lunatics as cannot be accommodated in the several lunatic asylums	82

	PAGE.
No. 25. Joint resolution in regard to the rolls of Kentucky soldiers in the Mexican war.....	82
No. 26. Resolution to provide for the removal of the remains of John C. Mason to the State Cemetery.....	83

LOCAL AND PRIVATE ACTS.

	PAGE.
Chapter 2. An act to authorize the voters of the city of Mayfield to vote upon the proposition as to whether spirituous, malt, or vinous liquors shall be sold within the corporate limits of said city, or within one mile thereof.....	97
Chapter 3. An act to repeal an act, entitled "An act to regulate and create the office of county treasurer in the counties of Perry and Harlan," approved April 21, 1873.....	100
Chapter 4. An act for the benefit of the county court of Breckinridge county.....	101
Chapter 5. An act to repeal an act, entitled "An act to authorize the Pike county court to issue bonds for court-house and other purposes".....	101
Chapter 6. An act for the benefit of Pike county.....	102
Chapter 7. An act to amend the charter of the Bourbon County Agricultural Society and the laws in relation thereto.....	102
Chapter 8. An act authorizing a sale of a portion of the road of the Centreville and Jacksonville Turnpike Road Company.....	103
Chapter 12. An act for the benefit of Arnold S. Hardy, jailer of Marion county.....	103
Chapter 14. An act for the benefit of Noah Allen, of Crittenden county.....	104
Chapter 15. An act for the benefit of Joshua Sharp, of Shelby county.....	104
Chapter 16. An act authorizing a special term of the Muhlenburg circuit court.....	104
Chapter 17. An act to amend the charter of the Bank of New Castle.....	106
Chapter 18. An act to amend an act, entitled "An act to incorporate Millersburg Academy, Barren county".....	106
Chapter 20. An act to allow the Washington county court to subscribe stock in the Springfield, Maxville, and Harrodsburg Turnpike Road.....	107
Chapter 21. An act for the benefit of A. J. Cocanougher, late sheriff of Washington county, and his sureties.....	107
Chapter 23. An act to amend an act, entitled "An act to amend the act incorporating the Cabin Creek Turnpike Road Company," approved March 29, 1873.....	108
Chapter 24. An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," approved March 5, 1870; and also to amend chapter 1945 of the acts of 1871, which became a law 6th of March, 1871.....	108

CONTENTS.

XIII

	PAGE
Chapter 25. An act to amend the charter of the Concord and Tollesboro Turnpike Road Company.....	109
Chapter 26. An act for the benefit of the Carroll County Agricultural Association....	111
Chapter 27. An act to authorize the Logan county court to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company	112
Chapter 28. An act to add a part of Henry county to the county of Oldham.....	113
Chapter 29. An act for the benefit of Warren county.....	114
Chapter 30. An act for the benefit of Susan Wall, of Garrard county.....	117
Chapter 31. An act to prohibit the sale of spirituous or vinous or malt liquors within the corporate limits of the town of Hinkleville, Ballard county, or within two miles of the said incorporate limits	117
Chapter 32. An act to abolish the office of county treasurer of Pendleton county....	118
Chapter 33. An act for the benefit of Law Department of the University of Louisville	118
Chapter 34. An act for the benefit of Lewis F. Marshall, sheriff of Ballard county, and securities	118
Chapter 35. An act providing that the failure of the sheriff of McCracken county to execute bond for the collection of the revenue shall not forfeit his office of sheriff.....	119
Chapter 37. An act to increase the jurisdiction of justices of the peace in Logan county	119
Chapter 38. An act for the benefit of Harrison Lay, of Breckinridge county	120
Chapter 39. An act to amend the charter of the town of Sharpsburg, in Bath county, approved January 9, 1852	120
Chapter 40. An act for the benefit of John H. Bush, of Hardin county.....	121
Chapter 41. An act to apply to Fayette and Jessamine counties the provisions of an act approved March 5, 1872, entitled "An act to authorize the county courts of Nicholas and Bourbon counties to compel persons to keep stock off of public roads"	122
Chapter 43. An act for the benefit of W. H. Hamilton	122
Chapter 44. An act for the benefit of the litigants in the Fayette circuit court.....	122
Chapter 45. An act for the benefit of F. K. Beaven, sheriff of Marion county, and securities	123
Chapter 46. An act for the benefit of Simon Humphrey, late sheriff of Nelson county, and sureties	124
Chapter 47. An act to repeal an act to authorize the board of trustees of the town of Lebanon to issue bonds and provide for the payment of the same....	124
Chapter 48. An act to amend the charter of the city of Newport, in Campbell county,	124
Chapter 49. An act to amend an act, entitled "An act to incorporate the Cynthiana and Millersburg Turnpike Road Company"	125
Chapter 50. An act to renew the charter of the Alexandria and Flagg Spring Turnpike Road Company, in Campbell county.....	125
Chapter 51. An act to authorize the county court of Livingston county to levy an additional poll and ad valorem tax for bridge and road purposes.....	126
Chapter 52. An act for the benefit of O. G. Ragan, late sheriff of Montgomery county, and securities	126

	PAGE.
Chapter 54. An act for the benefit of John Allen, of the city of Louisville	127
Chapter 55. An act for the benefit of R. W. Williams, jailer of Christian county.....	127
Chapter 56. An act to incorporate the Christian Church at Warsaw	128
Chapter 57. An act to amend an act, entitled "An act to charter the Central Savings Bank of the city of Louisville"	129
Chapter 58. An act for the benefit of the Agricultural and Mechanical Association of the Colored People of Bourbon county	129
Chapter 59. An act for the benefit of Franklin Female College, in Simpson county ..	130
Chapter 60. An act to abolish the court of common pleas in Union county	131
Chapter 61. An act legalizing an order made by the court of claims in Crittenden county	132
Chapter 62. An act for the benefit of George Carter, committee for J. B. Salter, a lunatic of Lawrence county	132
Chapter 63. An act allowing netting for fish in Sinking creek, in Breckinridge county,	133
Chapter 64. An act for the benefit of the administrators of William Simpson, late clerk of the Wayne circuit and county courts	133
Chapter 65. An act to amend the town charter of Harrodsburg, Mercer county	133
Chapter 66. An act to repeal sections one, two, three, four, five, six, seven, eight, and ten of an act, entitled "An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein"	134
Chapter 67. An act for the benefit of E. H. Hobson and J. J. Durham	134
Chapter 68. An act for the benefit of David Wheeler, of Clinton county	135
Chapter 69. An act providing for the payment of money to Eliza A. Taylor, of Owen county	135
Chapter 70. An act to repeal an act empowering the county court of Mercer county to make subscriptions to capital stock in turnpike roads in said county	136
Chapter 71. An act relating to the surplus school fund belonging to Logan county ..	136
Chapter 72. An act to authorize the sheriff of Grayson county to hold an election for district officers in Sand Spring district, in Grayson county	137
Chapter 73. An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the county of Harlan," approved February 7th, 1870	137
Chapter 75. An act for the benefit of Thomas E. Moore, sheriff of Bourbon county ..	138
Chapter 76. An act for the preservation and production of game and fish in Bourbon county	138
Chapter 77. An act for the benefit of H. C. Malone, late sheriff of Shelby county, and securities	140
Chapter 78. An act for the benefit of T. D. Grundy, sheriff of McCracken county, and his sureties	141
Chapter 79. An act to amend an act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties, so as to make the provisions thereof apply to the clerk of the Carter county court,	141
Chapter 80. An act to amend an act for the benefit of the Bourbon County Agricultural Society, approved February 12, 1849	142

CONTENTS.

XV

	PAGE.
Chapter 81. An act for the benefit of Robert Wheat, a colored pauper idiot of Adair county	142
Chapter 82. An act for the benefit of Ned Bradshaw, a colored pauper idiot of Adair county	143
Chapter 83. An act for the benefit of the town marshal of New Liberty, county of Owen	143
Chapter 84. An act for the benefit of George Boone and Robert Wimpsett	144
Chapter 85. An act to prohibit the sale of intoxicating liquors in the town of Osceola, ...	144
Chapter 86. An act for the benefit of the estate of T. Jack Conn, late clerk of Jefferson county court	145
Chapter 87. An act for the benefit of school district No. 27, in Hancock county	145
Chapter 88. An act to authorize the presiding judge of the Bath county court to sue for the taxes due or which may become due said county	146
Chapter 89. An act authorizing the county court of Washington county to increase the county levy	146
Chapter 90. An act to authorize the president and directors of the Nelson County Agricultural Association to borrow money	147
Chapter 91. An act for the benefit of Matt. Tewell and Martin Tewell and Stephen Ritchie	147
Chapter 92. An act for the benefit of Union county	148
Chapter 93. An act incorporating the bank of J. & J. A. Witherspoon, of Lawrenceburg, Kentucky	149
Chapter 94. An act for the benefit of D. C. Wilcox, late tax collector of the city of Paducah	151
Chapter 95. An act to amend an act, entitled "An act for the protection of the livery-stable keepers of this Commonwealth," approved January 31st, 1871	152
Chapter 96. An act to amend an act, entitled "An act to incorporate the town of Grayson, in Carter county"	152
Chapter 97. An act to amend an act, entitled "An act providing for the collection of railroad tax in the county of Montgomery"	153
Chapter 99. An act repealing an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county," approved March 29th, 1873	154
Chapter 100. An act to repeal an act, entitled "An act declaring certain portions of Roundstone creek, in Rockcastle county, a navigable stream," approved April 24, 1873	154
Chapter 101. An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Glasgow Junction precinct, in Barren county"	155
Chapter 102. An act to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in the county of Barren"	155
Chapter 103. An act to extend to the farmers in Fayette county the lien provided in an act, entitled "An act for the protection of livery-stable keepers in this Commonwealth," approved January 31, 1871	155
Chapter 104. An act to amend the charter of the Lexington Building and Accumulating Fund Association	156

	PAGE.
Chapter 105. An act to legalize certain acts of a deputy clerk of the Logan county court	156
Chapter 107. An act for the benefit of the judge of the Hart county quarterly court...	157
Chapter 108. An act for the benefit of Gallatin county.....	157
Chapter 111. An act to repeal article 2, chapter 102, of General Statutes, so far as the same applies to Wayne, Pulaski, and other counties are concerned	158
Chapter 112. An act for the benefit of Christian county.....	158
Chapter 114. An act for the benefit of the common schools of Trigg and Ballard counties	159
Chapter 115. An act empowering the county court of Washington county to make additional subscription to certain turnpike roads	159
Chapter 116. An act to repeal an act declaring Wolf river a navigable stream	160
Chapter 118. An act for the benefit of James W. Hog and Lewis S. Lee, late sheriffs of Letcher and Ballard counties	161
Chapter 119. An act to regulate the sale of spirituous or intoxicating beverages in Lewis county	161
Chapter 120. An act to authorize the jailer of Caldwell county to appoint an assistant,	162
Chapter 121. An act to amend an act approved March the 28th, 1872, entitled "An act authorizing the Boone county court to appoint trustees for the Burlington Burying-ground, and prescribing their duties"	163
Chapter 122. An act for the benefit of the marshal of Georgetown.....	164
Chapter 124. An act to repeal an act, entitled "An act to charter the Barren County Bank"	165
Chapter 125. An act to amend the charter and amendment thereto of the Deposit Bank of Glasgow	165
Chapter 126. An act for the benefit of S. S. Farris, sheriff of Barren county, and his securities	166
Chapter 128. An act to authorize the board of directors of the Richmond and Lexington Turnpike Road Company to take stock in the Athens and Walnut Hill Turnpike Road Company.....	166
Chapter 129. An act relating to opening and repairing roads in Boone county	167
Chapter 131. An act to amend an act to incorporate the Lebanon and Pope's Creek Turnpike Road Company.....	170
Chapter 132. An act to authorize the county court of Garrard county to sell and convey the poor-house farm, and reinvest the proceeds.....	170
Chapter 133. An act to prevent the destruction of fish in the ponds, lakes, and creeks in the counties of Hickman, Fulton, and Ballard, in this Commonwealth	171
Chapter 135. An act to define and fix the boundaries of the Murray common school district, and to re-enact an act, entitled "An act for the benefit of the Male and Female Institute," approved March 17, 1870.....	172
Chapter 136. An act for the benefit of the jailer of Spencer county	172
Chapter 137. An act for the benefit of Samuel K. Baird, assessor of Spencer county....	173
Chapter 138. An act to incorporate the Hopkinsville Plow Manufacturing Company....	173
Chapter 139. An act to amend an act, entitled "An act to incorporate the town of Du-laney," which became a law February 3d, 1873	176

CONTENTS.

XVII

	PAGE.
Chapter 140. An act to amend the charter of the town of Princeton, and to confer certain powers upon the board of trustees thereof.....	176
Chapter 141. An act for the benefit of C. S. Mergell, of Louisville.....	177
Chapter 142. An act to amend the charter of the city of Augusta, in Bracken county, 177	
Chapter 143. An act to amend an act, entitled "An act to incorporate the Vanceburg, Dry Run, and Kinniconick Creek Turnpike Road Company".....	178
Chapter 144. An act amending the charter of the city of Paducah, making a husband responsible for taxes due on his wife's property where he collects her rents or uses her property	180
Chapter 145. An act to amend the charter of the town of Augusta, in Bracken county, 180	
Chapter 146. An act for the benefit of Hardin county.....	181
Chapter 147. An act to repeal an act, entitled "An act to amend the charter of the town of Marion, in Crittenden county"	182
Chapter 148. An act for the benefit of John E. Brooks, late sheriff of Greenup county, 182	
Chapter 149. An act to amend the charter of the town of Stanford	183
Chapter 151. An act for the benefit of E. D. Kennedy, clerk of the Garrard circuit court.....	183
Chapter 152. An act to supply the county clerk's office with public books in Rockcastle county	183
Chapter 153. An act to legalize the official acts of the assessor and surveyor of Livingston county as deputies to the county clerk, and to authorize them to act as deputies for the Livingston county clerk	184
Chapter 154. An act to incorporate the Collins district school, in Henderson county ..	185
Chapter 155. An act to repeal an act, entitled "An act to amend chapter eighty-four (84) of the Revised Statutes, title 'Roads and Passways,' approved February 20, 1869, so far as the same applies to Boyd, Carter, Pike, Lawrence, and other counties	189
Chapter 157. An act to amend the sixth section of chapter sixty-six of the General Statutes.....	189
Chapter 158. An act to authorize the county courts of Lawrence and Jackson counties to fix and establish the width of public roads in said counties	190
Chapter 159. An act for the benefit of the County Infirmary of Mason county, for the support of the poor of said county, and work-house and house of correction therewith.....	190
Chapter 161. An act to incorporate the Farmers' Bank of Longview.....	203
Chapter 164. An act in relation to the town of Newtown, in Scott county.....	205
Chapter 166. An act for the benefit of the present lessees of the Idee Hotel	206
Chapter 167. An act for the benefit of Mason Morris, late sheriff of Edmonson county, 206	
Chapter 168. An act to amend the charter of the Bath Seminary, incorporated by an act approved February 23, 1846	206
Chapter 169. An act to authorize the county judge of Campbell county to appoint one day in each week upon which the justices of the peace for the Dayton and Belview magisterial district may hear civil causes	207
Chapter 170. An act authorizing the county court of Magoffin county to dispose of its land warrant at the rate of two dollars and fifty cents per one hundred acres	207

	PAGE.
Chapter 171. An act to prohibit the destruction of fish in Tennessee river, or within one mile of the mouth of its tributaries.....	208
Chapter 172. An act to incorporate the Catholic Benevolent Society of Mt. Sterling.....	208
Chapter 173. An act for the benefit of Stephen Nethercutt, late sheriff of Carter county, Seth Parker, Samuel Ellis, and R. B. Lovel, late sheriffs of Lewis county, and W. L. Crumbaugh, late sheriff of Lyon county, and their deputies.....	209
Chapter 174. An act to amend the charter of the town of Bellpoint, in Franklin county.....	210
Chapter 175. An act to amend an act, entitled "An act for the benefit of the personal representatives of Robert Foster, deceased".....	210
Chapter 177. An act to grant and confirm unto the St. Louis and Southeastern Railway Company (consolidated) the rights, powers, privileges, franchises, and immunities of the Henderson and Nashville Railroad Company, the Evansville, Henderson, and Nashville Railroad Company, and the St. Louis and Southeastern Railway Company (Kentucky Division).....	211
Chapter 178. An act to incorporate the town of Geigerville, in the counties of Boyd and Carter.....	212
Chapter 179. An act to incorporate the Boyd County Fair and Exposition Association.....	216
Chapter 181. An act to incorporate the town of Rowlett's Station, in Hart county.....	218
Chapter 182. An act to amend section fourteen, chapter seventy-five, General Statutes.....	219
Chapter 183. An act to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county".....	219
Chapter 184. An act to amend an act, entitled "An act to incorporate the town of Horse Cave," approved March 15, 1869.....	221
Chapter 185. An act to amend the charter of the Caverna Deposit Bank, in Hart county.....	221
Chapter 190. An act to amend the charter of the Methodist Episcopal Church, South, Widows' and Orphans' Home.....	222
Chapter 191. An act to amend the charter of the town of Nicholasville.....	222
Chapter 192. An act to incorporate the Ballard County Coal and Transportation Company.....	225
Chapter 193. An act to amend an act, entitled "An act to incorporate the Mississippi Valley Life Insurance Company of America," approved February 15th, 1866.....	227
Chapter 194. An act to incorporate the Commonwealth Bridge Company.....	228
Chapter 195. An act to amend an act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson," approved February 11th, 1867, and the several acts amendatory thereto.....	231
Chapter 196. An act to amend the charter of the town of Earlington.....	238
Chapter 197. An act to amend an act, entitled "An act to authorize the Logan county court to borrow money to pay off the bonds issued in aid of the Memphis Branch of the Louisville and Nashville Railroad Company".....	239
Chapter 198. An act to authorize the city of Newport, in Campbell county, to issue bonds to the amount of fifteen thousand dollars.....	240

CONTENTS.

XIX

	PAGE.
Chapter 200. An act to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Mt. Sterling"	240
Chapter 209. An act to amend the charter of the city of Covington.	259
Chapter 210. An act for the benefit of the city of Frankfort.....	260
Chapter 211. An act for the benefit of James Crow, committee of William Gilbert and Martha Gilbert.....	261
Chapter 212. An act for the benefit of Mary Blain and Georgia Ann Hays	261
Chapter 213. An act to amend an act authorizing the Lewis county court to levy an additional tax to pay off the debt of said county, and to aid in building turnpike roads in said county.....	262
Chapter 214. An act to repeal an act, entitled "An act to amend the charter of the Bank of New Castle," approved 20th December, 1873	263
Chapter 215. An act to amend an act, entitled "An act to incorporate the Danville Gas-light Company"	263
Chapter 216. An act to empower the county court of Garrard to make additional subscriptions to the Lancaster and Buckeye Turnpike Road Company....	265
Chapter 219. An act to amend an act, entitled "An act to create a special road law for Pendleton county," approved January 26th, 1869	266
Chapter 221. An act in relation to the town of Flemingsburg.....	268
Chapter 222. An act to incorporate the town of California, in Campbell county	268
Chapter 223. An act for the benefit of Samuel Biggerstaff, late sheriff of Madison county	269
Chapter 224. An act for the benefit of J. M. Barnett, of Whitley county.....	270
Chapter 225. An act to provide for holding a term of the Carter circuit court for the trial of equity causes and motions triable by the court.....	270
Chapter 226. An act to establish an additional justices' district in the county of Harlan.....	271
Chapter 227. An act to amend an act, entitled "An act to establish an additional justices' district in Bath county"	271
Chapter 228. An act for the benefit of Haywood Gilbert, late sheriff of Clay county....	272
Chapter 229. An act for the benefit of B. J. Hobbs, an idiot, of Graves county	272
Chapter 232. An act to incorporate the Society of Friends, of Garrard county, and authorize them to issue bonds to purchase a burial ground.....	273
Chapter 237. An act to incorporate the Richmond Gas-light Company.....	275
Chapter 238. An act to amend an act incorporating the town of Upton, in Hardin and Larue counties	276
Chapter 239. An act for the benefit of Geo. L. Petty, assessor of Henry county	278
Chapter 240. An act to provide for the purchase or erection of a school-house for district No. 43, in Graves county	278
Chapter 241. An act to amend an act, entitled "An act to incorporate the Bank of America," approved February 26, 1870.....	279
Chapter 242. An act to amend the charter of the Russellville Banking and Warehouse Company	279
Chapter 243. An act requiring certain legal advertisements in Lewis county to be inserted in the Vanceburg Kentuckian	281

	PAGE.
Chapter 244. An act for the benefit of Geo. P. Gillum, sheriff of Logan county.....	282
Chapter 245. An act to amend an act, entitled "An act to incorporate Madison County Agricultural Association"	282
Chapter 246. An act to amend an act to regulate the time of holding the Nicholas and Mason circuit courts, approved February 7, 1873	283
Chapter 247. An act to regulate official advertisements in the county of Henry	283
Chapter 248. An act to amend an act, entitled "An act to transfer the equity causes from the Hickman circuit court to Hickman court of common pleas," approved March 11th, 1873	284
Chapter 249. An act to amend and repeal in part an act, entitled "An act to incorpo- rate the Chestnut Street Presbyterian Church"	285
Chapter 250. An act for the benefit of John M. Curry, ex-sheriff of Pendleton county.....	285
Chapter 251. An act for the benefit of the owners of the Mammoth Cave estate.....	286
Chapter 252. An act to incorporate the Mammoth Cave Hotel and Railroad Company.....	286
Chapter 253. An act to incorporate the Odd Fellows' Tabernacle Association of Louisi- ville	288
Chapter 254. An act to amend an act, entitled "An act to incorporate the Covington, Flemingsburg, and Pound Gap Railway Company," approved March 5th, 1873	291
Chapter 255. An act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts,' " approved February 17, 1873	293
Chapter 256. An act to incorporate a police municipality in Jefferson county	293
Chapter 257. An act to legalize certain orders of the Larue county court of claims.....	297
Chapter 258. An act to authorize the judges of the Bourbon and Elliott quarterly courts to appoint clerks of said courts	298
Chapter 259. An act for the benefit of L. D. Padgett, of Pulaski county	298
Chapter 260. An act to prohibit the use of intoxicating liquors in Lawrence and Elliott counties on election days	299
Chapter 261. An act to amend an act, entitled "An act for the benefit of the Cynthi- ana, Paddy's Run, and Lair's Station Turnpike Road Company"	299
Chapter 262. An act to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad Company"	300
Chapter 263. An act to authorize the creation of a building committee for the town of Versailles, in Woodford county, and to define the powers and duties thereof	300
Chapter 264. An act for the benefit of John N. Howard, sheriff of Harlan county.....	302
Chapter 265. An act for the benefit of William Sword and Fleming Justice, of Pike county	302
Chapter 266. An act for the benefit of Messrs. Mann & Rice and Miller & McDaniel, of Greenville	303
Chapter 267. An act allowing the jailer of Clay county an assistant.....	303
Chapter 268. An act to incorporate the town of Garnettsville, in Meade county.....	303
Chapter 269. An act to prohibit the sale of spirituous, vinous, or malt liquors within one and one half miles of S. J. Henry's store, in what is now known as Lewisburg, in Logan county.....	306

CONTENTS.

XXI

	PAGE.
Chapter 270. An act to amend the charter of the Springfield, Pleasant Run, and Mackville Turnpike Road Company.....	306
Chapter 271. An act to amend chapter twenty-eight, article five, of the General Statutes.....	306
Chapter 273. An act regulating the practice in suits under section twelve of the city charter of Louisville, and amendments thereto.....	307
Chapter 274. An act to amend an act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road, approved April 21st, 1873	307
Chapter 275. An act for the benefit of Chas. N. Hoskins, sheriff of Powell county	309
Chapter 276. An act limiting the time of acceptance of a proposition by Metcalfe county to subscribe stock to the Cumberland and Ohio Railroad Company.....	310
Chapter 277. An act for the relief of the sheriff of Hancock county.....	311
Chapter 278. An act for the benefit of J. W. Shelby and wife, of Lincoln county.....	311
Chapter 279. An act for the benefit of Clinton county.....	312
Chapter 280. An act for the benefit of Isaac K. Baker, late sheriff of Perry county....	312
Chapter 281. An act for the benefit of E. M. Springfield, late sheriff of Webster county, and securities	313
Chapter 282. An act for the benefit of L. B. Piercal, of Lewis county	313
Chapter 284. An act for the benefit of James Wallace, late sheriff of Christian county, ...	314
Chapter 285. An act for the benefit of W. E. Clelland, late sheriff of Mercer county, ...	314
Chapter 286. An act for the benefit of Allen, Harbeson & Co., of Augusta, in Bracken county	315
Chapter 288. An act for the benefit of I. L. Hyatt.....	315
Chapter 290. An act to incorporate the trustees of the Presbyterian Church at Columbus	316
Chapter 291. An act to incorporate the Mt. Sterling Coal Road Company.....	317
Chapter 293. An act to amend an act, entitled "An act to incorporate the Trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church of the United States of America, at Danville, in the State of Kentucky," approved January 28th, 1854.....	320
Chapter 297. An act for the benefit of Joseph Pearson, of Estill county	320
Chapter 298. An act to prohibit the sale of spirituous, malt, or vinous liquors in the town of Glenville, in Adair county, or within one mile thereof	321
Chapter 299. An act to prohibit the sale of spirituous liquors in Fulton county.....	321
Chapter 300. An act regulating the transfer of stock in the real estate associations of Jefferson county.....	324
Chapter 301. An act to prohibit the sale of spirituous, vinous, or malt liquors in Garrettsville, Meade county.....	324
Chapter 302. An act to amend an act to incorporate the Louisville Cement and Water-power Company, approved January 13th, 1866.....	325
Chapter 303. An act for the benefit of Green Ridge Churches, in Logan county.....	325
Chapter 304. An act to amend an act, entitled "An act to establish tram-tracks or rail-ways to navigable streams and railroads in Rockcastle county".....	326
Chapter 305. An act for the benefit of the Union Mills Turnpike Company.....	326

	PAGE.
Chapter 306. An act to revise and amend the charter of the city of Newport.....	327
Chapter 307. An act to authorize the city of Newport to increase her bonded indebtedness in aid of water-works.....	364
Chapter 308. An act to amend an act to reduce into one, amend, and digest the acts and amendatory acts incorporating the town of North Middleton, in Bourbon county, approved March 28th, 1872	365
Chapter 309. An act to amend the charter of Lebanon, in Marion county.....	367
Chapter 310. An act to incorporate the Masonic Mutual Benefit Association of Maysville, Kentucky	367
Chapter 311. An act to incorporate the Library Association in Cairo, Henderson county	369
Chapter 312. An act to amend an act, entitled "An act to provide for the construction and completion of turnpike roads in Harrison county".....	370
Chapter 313. An act to amend the charter of the city of Covington, Kenton county ..	375
Chapter 314. An act to incorporate the Paducah Street Railway Company.....	377
Chapter 315. An act for the benefit of the sheriff of Cumberland county	379
Chapter 317. An act to incorporate the Carlisle Academy	379
Chapter 318. An act to incorporate the Kentucky Normal School at Carlisle.....	383
Chapter 319. An act to amend the road laws of the counties of Boyd and Carter.....	383
Chapter 320. An act for the benefit of Achilles Nelson, trustee for Stephen Richardson, a pauper lunatic of Russell county	384
Chapter 321. An act for the benefit of S. R. Thurman	385
Chapter 322. An act to amend an act, entitled "An act to authorize the sale of the Stamping Ground and Lecompt's Run Turnpike Road".....	385
Chapter 323. An act to authorize a sale of the Georgetown, Oxford, and Leesburgh Turnpike Road.....	385
Chapter 324. An act to amend an act, entitled "An act to reduce into one all acts in relation to Barbourville".....	387
Chapter 326. An act for the benefit of John P. Barrett, late sheriff of Ohio county....	388
Chapter 327. An act to amend an act, entitled "An act to protect the owners of land, and to prevent certain trespasses in Logan and Todd counties," approved March 20, 1872.....	388
Chapter 328. An act for the benefit of L. P. Linley, late sheriff of McLean county....	389
Chapter 329. An act to amend an act, entitled "An act to amend the charter of the town of Hartford"	389
Chapter 330. An act authorizing the Owen county court to levy a tax and issue bonds for bridge purposes.....	390
Chapter 331. An act for the benefit of John Wallace, clerk of the Boone circuit court,	390
Chapter 332. An act for the benefit of Wiley J. Coffee and his sureties.....	391
Chapter 333. An act to incorporate Petersburg Cemetery Company.....	392
Chapter 334. An act to provide for the payment of expenses incurred by the Ohio county court in taking care of a pauper lunatic.....	395
Chapter 335. An act for the benefit of school district No. 68, in Madison county.....	395
Chapter 336. An act to amend the charter of the town of Mt. Carmel, in Fleming county	396
Chapter 337. An act for the benefit of Mrs. Mary Davis, of Livingston county	397
Chapter 338. An act for the benefit of W. R. Stringer, Livingston county	397

CONTENTS.

XXIII

	PAGE.
Chapter 339. An act for the benefit of Ulysses Garred, of Lawrence county.....	397
Chapter 340. An act to amend an act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county.....	398
Chapter 341. An act to amend the charter of the city of Dayton.....	399
Chapter 342. An act for the benefit of B. L. C. Dossey, of Monroe county, Kentucky...	403
Chapter 343. An act for the benefit of the lessees of the Gem, in the town of Franklin, Kentucky.....	403
Chapter 345. An act for the benefit of Bennetta Madison.....	404
Chapter 346. An act to punish trespassers on real estate in the county of Shelby.....	404
Chapter 347. An act to amend an act, entitled "An act to prevent live stock of all kinds from running at large in Mason and Fleming counties".....	405
Chapter 348. An act to amend an act, entitled "An act to incorporate the Richmond and Big Hill Turnpike Road Company".....	405
Chapter 349. An act to amend the act, entitled "An act to incorporate the River Road Company," approved March 3, 1860.....	406
Chapter 350. An act to amend the charter of the Mt. Sterling and Howard's Mill Turnpike Road Company.....	406
Chapter 351. An act to amend an act, entitled "An act to incorporate the Columbia and Burksville Turnpike Road Company".....	406
Chapter 352. An act to incorporate the Shiloh Church and Pitman Creek Turnpike Road Company.....	407
Chapter 353. An act for the benefit of Sarah Virginia Musselman and her infant children.....	408
Chapter 354. An act to create the Bullitt County Turnpike Corporation.....	408
Chapter 355. An act to revive an act to incorporate the Springfield and Harrodsburg Turnpike Road Company.....	409
Chapter 356. An act to amend an act, entitled "An act to incorporate the town of Glenville, in Adair county".....	409
Chapter 358. An act for the benefit of J. G. Whitt, of Elliott county.....	410
Chapter 359. An act for the benefit of the Maysville Manufacturing Association.....	410
Chapter 360. An act for the benefit of the Minerva and Beasley Creek Turnpike Road Company.....	410
Chapter 361. An act for the benefit of the creditors of the Institution for the Education and Training of Feeble-minded Children.....	411
Chapter 362. An act to amend the charter of the Hustonville and Bradfordsville Turnpike Road Company.....	412
Chapter 363. An act to supply the General Statutes to the justices of the peace of Trigg county.....	412
Chapter 364. An act for the benefit of Henderson Conlee, of Powell county.....	412
Chapter 365. An act to amend the charter of the Maysville, Paris, and Lexington Turnpike Road.....	413
Chapter 366. An act to amend an act, entitled "An act to incorporate and reduce into one all acts in regard to the town of Richmond".....	413
Chapter 367. An act to amend an act, entitled "An act to incorporate the Richmond Gas-light Company".....	414
Chapter 368. An act to amend the charter of the Kentucky Land Company.....	416

	PAGE.
Chapter 369. An act to amend an act to incorporate the Transylvania Street Railroad Company, approved April 19th, 1873.....	416
Chapter 371. An act to amend the charter of the town of Loretto, in Marion county.....	418
Chapter 372. An act to allow an additional tax to be levied for building school-houses in district No. 22, Greenup county.....	418
Chapter 373. An act for the benefit of William Durrett, of Taylor county.....	418
Chapter 374. An act to authorize the Liederkrantz Society to issue additional stock.....	419
Chapter 375. An act to amend the charter of Pembroke, in Christian county.....	419
Chapter 376. An act for the benefit of Robert Barlow, colored pauper idiot, of Hart county.....	420
Chapter 377. An act for the benefit of the commissioners of the turnpike fund in Henry county.....	420
Chapter 378. An act repealing an act, entitled "An act repealing an act creating the office of town marshal of Independence, and concerning the police laws of said town".....	421
Chapter 379. An act to amend the charter of the town of Princeton.....	421
Chapter 380. An act to amend the charter of the town of Concord, in Lewis county.....	422
Chapter 381. An act to amend an act, entitled "An act to incorporate the Ohio River Valley Railroad Company".....	423
Chapter 382. An act to amend the charter of the Planters' Bank of Kentucky.....	423
Chapter 383. An act to amend an act, entitled "An act for the benefit of the Union county court," approved December 20th, 1871, and to enable the county court of Union county to provide means for building a jail.....	424
Chapter 384. An act to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Grayson, Edmonson, and Butler".....	426
Chapter 385. An act to charter the Owensboro, Glasgow, and Tennessee Railroad, Mining, and Manufacturing Company.....	426
Chapter 387. An act to amend an act, entitled "An act to incorporate Princeton College," approved February 20th, 1860, and to confer certain powers on the board of trustees of the town of Princeton.....	433
Chapter 389. An act to amend an act, entitled "An act to authorize the Jamestown justices' district, in Campbell county, to issue bonds".....	436
Chapter 390. An act to authorize M. Duke to erect a mill-dam across Big Barren river, at or near Hatter's ford, in Allen county.....	437
Chapter 391. An act for the benefit of James T. Sullinger, sheriff of Carroll county.....	437
Chapter 392. An act for the benefit of Joseph Wilcher, jailer of Gallatin county.....	437
Chapter 393. An act to amend and continue in force an act, entitled "An act to incorporate the Camdensville, Johnsonville, and Burnt Church Turnpike Company".....	438
Chapter 394. An act for the benefit of Geo. W. Bradhume, tax assessor for Allen county.....	438
Chapter 395. An act to amend an act, entitled "An act to incorporate the Warsaw Turnpike Company".....	439
Chapter 396. An act to establish and provide for a colored free school in the city of Owensboro, Kentucky.....	441

CONTENTS.

XXV

	PAGE.
Chapter 397. An act to create the office of street commissioner in Newport, Campbell county	442
Chapter 398. An act to insure and facilitate the payment of wages to laborers for the city of Louisville.....	443
Chapter 399. An act for the benefit of the administrator of F. M. Weeden, late sheriff of Mason county	443
Chapter 400. An act to amend an act, entitled "An act to amend the charter of the Bloomfield and Springfield Turnpike Road Company," approved February the 22d, 1860.....	444
Chapter 401. An act to extend the limits of the town of Greenville, Muhlenburg county	444
Chapter 402. An act to amend an act, entitled "An act to incorporate the Ashbottom Turnpike Road Company," approved March 22, 1871.....	444
Chapter 403. An act to amend the charter of the city of Lexington.....	445
Chapter 404. An act to provide for the establishment of the measurement of brick-work, &c.....	445
Chapter 405. An act to incorporate the Warren Presbyterian Church, of Louisville....	446
Chapter 406. An act to provide for the construction and completion of turnpike roads in Pendleton county.....	448
Chapter 407. An act to amend an act, entitled "An act to incorporate the Paducah and North Ballard Turnpike Road Company," approved March 1st, 1872	448
Chapter 408. An act for the benefit of the commissioners of the sinking fund of Hardin county	449
Chapter 409. An act to amend an act to incorporate the Mercer County Mechanical and Agricultural Association.....	449
Chapter 410. An act for the benefit of James M. Bolton, jailer of Knox county	450
Chapter 412. An act to amend an act, entitled "An act to incorporate the Kingston and Boone's Gap Turnpike Road Company, in Madison county ".....	451
Chapter 413. An act for the benefit of Haly, Mahoney & Co.....	461
Chapter 414. An act to amend and reduce into one the several acts in relation to the town of Owingsville.....	462
Chapter 416. An act for the benefit of S. M. Goble, of Carter county	470
Chapter 417. An act for the benefit of Stephen Nethercutt, of Carter county.....	470
Chapter 418. An act to incorporate the Central Kentucky Banking Company	471
Chapter 421. An act declaring Blackberry creek, in Pike county, a navigable stream, ...	474
Chapter 423. An act to extend the town limits of the town of Dover, in Mason county	474
Chapter 424. An act to amend the charter of the Paint Lick and Copper Creek Turnpike Road Company.....	475
Chapter 425. An act entitled "An act for the benefit of John Pearce, of Trimble county".....	475
Chapter 426. An act for the benefit of John Taliaferro, clerk of Clark circuit court....	476
Chapter 427. An act to incorporate the Ohio and Kentucky River Packet Company....	476
Chapter 428. An act to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Taylorsville".....	478

	PAGE.
Chapter 429. An act to amend an act to amend the charter of the town of Hartford, approved 2d March, 1867.....	478
Chapter 430. An act to amend an act, entitled "An act to incorporate the city of Mayfield".....	479
Chapter 431. An act to amend an act, entitled "An act to incorporate the Evansville and Jackson Railroad Company," approved March 28, 1872.....	479
Chapter 432. An act for the benefit of the Paducah Savings Bank.....	481
Chapter 433. An act to incorporate Harmony Lodge, No. 125, Independent Order of Odd Fellows, at Hamilton, in Boone county.....	481
Chapter 434. An act to amend an act, entitled "An act to incorporate the Mt. Sterling Coal Road Company".....	482
Chapter 435. An act for the benefit of common schools in Marshall, Livingston, and McCracken counties.....	483
Chapter 436. An act to incorporate the German Mutual Fire Insurance Company of Covington.....	484
Chapter 437. An act for the benefit of the assessor and county court clerk of Henry county.....	489
Chapter 438. An act to incorporate the Farmers' Exchange Bank.....	489
Chapter 439. An act for the benefit of John H. Carrier, late jailer of Laurel county.....	495
Chapter 440. An act to incorporate the Kentucky Odd Fellows' Insurance Company ..	496
Chapter 441. An act for the benefit of the Danville Classical and Military Academy.....	499
Chapter 444. An act to incorporate the town of Hamelton, in the county of Ohio	500
Chapter 445. An act to incorporate the Chicago and South Atlantic Railroad Company of the State of Kentucky.....	501
Chapter 446. An act providing for the payment of the cost and expenses incurred before the Senate Committee on Privileges and Elections in the investigation of the controversy between Edmund Wooldridge and W. C. Goodloe, as to who was entitled to a seat in the present Senate from the Twenty-seventh Senatorial District.....	516
Chapter 447. An act to amend the charter of the Elizabethtown and Paducah Railroad Company.....	516
Chapter 450. An act to extend the common pleas court of Warren county to the counties of Butler, Edmonson, and Muhlenburg.....	517
Chapter 451. An act to incorporate the Woodford Driving Park.....	519
Chapter 453. An act to prohibit the sale, gift, loan, or procurement of spirituous, vinous, or malt liquors on election days in the county of Greenup	520
Chapter 454. An act to incorporate the Milton Baptist Church, of Trimble county.....	521
Chapter 455. An act to enable the president and board of managers of the Clay's Mill Turnpike Road Company to borrow money and mortgage their road for payment of the loan.....	522
Chapter 456. An act for the benefit of R. W. Brandon and others, of Grayson county.....	522
Chapter 457. An act to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks and bulls".....	523
Chapter 458. An act to prevent trespass in Pendleton county.....	523
Chapter 459. An act for the benefit of the Ludlow and Pleasant Run Turnpike Road Company	524

CONTENTS.

XXVII

	PAGE.
Chapter 460. An act for the benefit of the Sugar Creek Baptist Church of Garrard county	524
Chapter 461. An act to repeal an act, entitled "An act authorizing the county judge of Muhlenburg county to change the South Carrollton and Madisonville road as the same passed over the land of C. L. Morehead"	525
Chapter 462. An act for the benefit of school districts Nos. 30 and 65, in Pendleton county	525
Chapter 463. An act for the benefit of John H. Williams, assessor of Calloway county, ...	526
Chapter 464. An act to establish an additional justices' district in Rockcastle county...	526
Chapter 465. An act to authorize the county court of Simpson county to levy an additional tax in said county	527
Chapter 466. An act to amend the charter of Sabree C ty, in Webster county	527
Chapter 467. An act for the benefit of the gunsmiths of Henderson county	528
Chapter 468. An act to amend an act, entitled "An act to incorporate the Louisville Brick and Building Company"	529
Chapter 469. An act to repeal an act, entitled "An act to amend an act to establish a levy and county court for Jefferson county"	529
Chapter 470. An act to protect certain citizens of the county of Daviess from trespasses by hunters	530
Chapter 471. An act for the benefit of the sheriff of Henry county	531
Chapter 472. An act to incorporate Nelson Lodge, No. 96, Independent Order of Odd Fellows, at Deatsville, Nelson county, Kentucky	531
Chapter 473. An act to incorporate the Auburn High School	532
Chapter 475. An act submitting a proposition to the voters in district No. 4, in Todd county, whether or not spirituous, vinous, or malt liquors shall be sold therein	534
Chapter 476. An act to abolish the court of common pleas in Caldwell county	535
Chapter 477. An act to amend the charter of the city of Ludlow, in Kenton county ..	536
Chapter 478. An act to incorporate the Bluegrass Manufacturing Company	536
Chapter 479. An act for the benefit of William Bowe, committee for Edward Parker, a pauper lunatic, of Lawrence county	538
Chapter 480. An act to authorize the county court of Pendleton county to levy a tax to pay off the railroad debt of said county	539
Chapter 482. An act in relation to the Bardstown and Green River Turnpike Road Company	540
Chapter 484. An act to amend the charter of the town of Greenville, in Muhlenburg county	541
Chapter 485. An act to amend an act, entitled "An act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Paris" ..	541
Chapter 486. An act to incorporate Franklin Colored Benevolent Society, of Franklin, ...	543
Chapter 497. An act for the benefit of William Green and his sureties, late sheriff of Elliott county	544
Chapter 489. An act for the benefit of common school district No. 1, known as Auburn district, in Logan county	545
Chapter 490. An act for the benefit of the Garrard county court	545
Chapter 491. An act to incorporate the Shelbyville Gas-light Company	545
Chapter 492. An act for the benefit of W. E. Tipton's administrator	548

	PAGE.
Chapter 493. An act to incorporate the Lexington Agricultural and Industrial Exposition Company.....	549
Chapter 495. An act to amend the charter of the city of Cynthiana.....	551
Chapter 496. An act to incorporate Eginton Lodge, No. 490, F. A. M., in Whitley county.....	553
Chapter 497. An act to incorporate Hudsonville Lodge, No. 262, of Free and Accepted Masons.....	554
Chapter 498. An act to amend an act, entitled "An act to incorporate the Kentucky Association for the Improvement of the Breed of Horses".....	555
Chapter 499. An act to amend an act, entitled "An act incorporating the Sherburne Bridge Company".....	556
Chapter 500. An act to cause certain books to be indexed belonging to the office of the Whitley quarterly court.....	557
Chapter 501. An act to amend an act, entitled "An act to incorporate the World's Fair Association, of Woodford county," approved February 19, 1873,.....	557
Chapter 502. An act for the benefit of D. S. Carroll, of Grayson county.....	558
Chapter 503. An act to incorporate the Catholic Cemetery of Lexington, Kentucky....	558
Chapter 504. An act for the benefit of T. S. Ward, jailer of Harlan county.....	560
Chapter 505. An act enlarging the corporate limits of the town of Falmouth.....	561
Chapter 506. An act prohibiting the sale of ardent spirits in the county of Powell on the Sabbath or election days.....	561
Chapter 507. An act to amend an act, entitled "An act to incorporate the town of Booneville, in Owsley county," approved March 1st, 1847.....	562
Chapter 508. An act to create additional voting places in the second and third magisterial districts in Kenton county.....	564
Chapter 509. An act for the benefit of the Williamsburg Masonic Institute.....	565
Chapter 510. An act to redistrict the county of Jessamine for justices' districts.....	567
Chapter 511. An act to incorporate the Elizaville Station and Mayslick Turnpike Road Company.....	569
Chapter 512. An act to confirm and legalize the acts of the police judge of the town of Lagrange, in Oldham county.....	573
Chapter 513. An act to charter the South Carrollton Male and Female Academy.....	573
Chapter 514. An act to amend the charter of the Portsmouth and Pound Gap Railroad Company.....	576
Chapter 515. An act for the benefit of T. D. Rutledge, of Daviess county.....	580
Chapter 516. An act for the protection of livery stable-keepers in the town of Milton, Trimble county.....	580
Chapter 517. An act for the benefit of the sheriff of Daviess county.....	581
Chapter 518. An act to prevent trespass in Madison county.....	581
Chapter 520. An act for the benefit of A. Graham, of Clinton county.....	582
Chapter 522. An act to amend an act, entitled "An act to amend the charter of the Shelby and Oldham Turnpike Road Company".....	582
Chapter 523. An act for the benefit of T. W. Samuels, late sheriff of Nelson county....	582
Chapter 526. An act to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe.....	583
Chapter 527. An act to amend an act, entitled "An act to incorporate the town of Providence, in Webster county".....	583
Chapter 528. An act to incorporate Lexington and Cumberland Gap Railroad Company.....	584

CONTENTS.

XXIX

	PAGE.
Chapter 529. An act to amend an act, entitled "An act to change the name and extend the limits of the town of Berry Station, in Harrison county," approved March 15th, 1869.....	589
Chapter 530. An act for the benefit of the Bath circuit court clerk.....	590
Chapter 531. An act to incorporate the Lebanon Gas-light Company.....	590
Chapter 532. An act to amend the charter of Crab Orchard, in Lincoln county.....	593
Chapter 533. An act to incorporate the Taylor County College.....	594
Chapter 534. An act to amend the charter of the Caseyville Deposit Bank.....	596
Chapter 535. An act to incorporate the town of Parkland, county of Jefferson, State of Kentucky.....	596
Chapter 536. An act to incorporate the Fleming, Mason, Robertson, Nicholas, and Bath Counties Agricultural and Mechanical Association.....	599
Chapter 537. An act to incorporate the Kentucky and Montana Gold Mining Company,.....	600
Chapter 538. An act to amend the charter of the city of Bowling Green.....	602
Chapter 539. An act for the benefit of J. W. Valentine, jailer of Warren county.....	604
Chapter 540. An act to change the voting place of the Elk Spring precinct, of Warren county.....	604
Chapter 542. An act supplemental to an act passed at the present session of the General Assembly, entitled "An act to incorporate the Chicago and South Atlantic Railroad Company of Kentucky".....	605
Chapter 543. An act to amend the charter of the town of West Covington, Kenton county.....	605
Chapter 544. An act to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg".....	607
Chapter 545. An act for the benefit of J. B. Gore, of Larue county.....	608
Chapter 546. An act to amend the charter of Jeffersontown, and establish a police court for said town.....	608
Chapter 547. An act to charter the People's Savings Bank of Kentucky	610
Chapter 549. An act for the benefit of James Herd, late sheriff of Clay county.....	613
Chapter 550. An act providing for the payment of the cost and expenses of investigating the contested election case from Jessamine county.....	613
Chapter 551. An act to prevent stock from running at large in Foster precinct, in Bracken county.....	614
Chapter 552. An act to incorporate the Independent Printing Company.....	615
Chapter 553. An act for the benefit of keepers of stud-horses, jacks, and bulls, of Simpson and Pendleton counties.....	616
Chapter 554. An act to amend and revise the charter of Millersburg, Bourbon county,.....	616
Chapter 555. An act to authorize the trustees of Morgantown to sell part of Hobson street in said town.....	627
Chapter 556. An act to repeal an act, entitled "An act to authorize the trustees of the town of Carlisle, Nicholas county, to grant coffee-house license," approved February 17, 1866.....	628
Chapter 557. An act to amend an act incorporating the town of Milford, in Bracken county.....	628
Chapter 559. An act for the benefit of J. W. Pickering, of Crittenden county.....	629
Chapter 560. An act for the benefit of W. B. Tipton.....	629
Chapter 561. An act to amend the charter of the city of Maysville.....	630
Chapter 562. An act to amend the charter of the city of Owensboro.....	630

	PAGE.
Chapter 563. An act regulating the return of executions in Trigg county	631
Chapter 564. An act for the benefit of R. Y. Bush, of Hancock county	632
Chapter 565. An act to amend an act, entitled "An act to authorize the Pendleton county court to raise money to build bridges, &c.," approved March 7, 1868	633
Chapter 566. An act to apply the provisions of an act, entitled "An act to incorporate a police municipality in Jefferson county to certain other precincts,"	633
Chapter 567. An act to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Claysville Male and Female Academy' "	634
Chapter 568. An act to amend an act, entitled "An act for the organization of the public schools in the town of Claysville, in Webster county "	634
Chapter 569. An act to amend the charter of the city of Cynthiana	635
Chapter 570. An act to incorporate the town of New Columbus, in Owen county	635
Chapter 571. An act to reincorporate the town of Monterey, in Owen county	636
Chapter 575. An act for the benefit of the Bank of Louisville	638
Chapter 577. An act to amend an act, entitled "An act to create a court of common pleas in Fayette, Woodford, Bourbon, Bath, &c."	638
Chapter 578. An act for benefit estate Richard H. Lansdale, deceased	639
Chapter 579. An act to prevent the selling or giving of spirituous, vinous, or malt liquors within two miles of the academy of E. J. Murphy, in Pembroke, Christian county	639
Chapter 580. An act for the benefit of A. T. Keen, late sheriff of Cumberland county, ...	640
Chapter 581. An act to amend an act incorporating the Farmers and Drovers' Bank, approved February 18, 1869	640
Chapter 582. An act to create and incorporate a clearing-house in the city of Louisville	641
Chapter 583. An act for the benefit of the owners of Wabash Island	642
Chapter 584. An act exempting Hart county from the provisions of the law authorizing the appointment of a "Commissioner of Claims" for said county	643
Chapter 585. An act to provide for the reimbursement and compensation of George R. McKee for expenses incurred and services performed in the prosecution of the claim of Kentucky against the Government of the United States known as the War Claim	643
Chapter 587. An act for the benefit of Walter G. Saunders, sheriff of Lincoln county, ...	644
Chapter 588. An act for the benefit of P. G. Smith and Alexander Hauchin, securities of O. G. Moore, late sheriff of Edmonson county	644
Chapter 589. An act to authorize the city of Owensboro to subscribe stock to the Vincennes, Petersburg, and Owensboro Railroad Company	646
Chapter 590. An act to amend the charter of the city of Mayfield	647
Chapter 591. An act to incorporate the town of Russel, in Greenup county	649
Chapter 592. An act to authorize and establish a system of public schools in the town of Ashland	659
Chapter 593. An act to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872	662
Chapter 595. An act to incorporate the Big South Fork Navigation, Lumber, Manufacturing, and Transportation Company	662

PUBLIC ACTS

OF

THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE
GENERAL ASSEMBLY, WHICH WAS BEGUN
AND HELD IN THE CITY OF FRANK-
FORT ON MONDAY, THE FIRST
DAY OF DECEMBER, 1873.

P. H. LESLIE, *Governor.*

JOHN G. CARLISLE, *Lieut. Gov'r and Speaker of Senate.*

JAMES B. MCCREARY, *Speaker of the House of Reps.*

GEO. W. CRADDOCK, *Secretary of State.*

JOHN RODMAN, *Attorney General.*

CHAPTER 1.

AN ACT regulating the times of holding the Christian quarterly courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all acts heretofore passed fixing the time of holding the quarterly courts of Christian county be, and the same are hereby, repealed. Christian quar-
terly courts.

PUB. L.—1

LAWS OF KENTUCKY.

1873.

§ 2. That the quarterly courts of said county shall be held in the months, and regulated as prescribed by the General Statutes.

§ 3. This act to take effect from the 12th day of December, 1873.

JAMES B. McCREARY,

Speaker of the House of Representatives.

ALEX. L. MARTIN,

Pro tem. Speaker of the Senate.

Approved December 4th, 1873.

P. H. LESLIE.

By the Governor :

G. W. CRADDOCK, *Secretary of State.*

CHAPTER 9.

AN ACT in aid of the Common Schools of this Commonwealth.

WHEREAS, There has been, for the school year ending June 30th, 1874, an unanticipated decrease of the distributable fund, and many trustees and teachers have made contracts, based upon the belief that the pro-rata to the pupil child would be much larger than the Superintendent could declare upon the estimate furnished him by the Auditor of State, thereby working, in many instances, a hardship to the teachers and trustees; and whereas, in consequence of the revised school laws not going into effect until December the 1st, 1873, no payment of teachers has been provided for until the fifteenth day of February, 1874, and it is desirable that an earlier payment should be made; and whereas, owing to a lack of harmony between the time prescribed in the revenue laws for paying the school taxes into the Treasury and the time prescribed for the payment of teachers, the money will not be in the Treasury to promptly liquidate claims as they mature; and whereas, the present trustees were elected for a term of one year, which will expire on the first Saturday in April, 1874, and no election is provided for by the revised school law until the first Saturday in July, 1874; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the school year ending June 30th, 1874, it shall be lawful, if a majority of the trustees agree thereto, for a school district with over fifty census children, to have taught a four months' school, and for a district containing less than fifty census children, a school of two and one half months.

§ 2. That the Superintendent of Public Instruction is hereby authorized to make a payment, on the 10th day of January, 1874, to all schools half taught out or more, of forty per centum of the amount due said district, the other payments to remain as now provided by law.

§ 3. That, upon information furnished by the Superintendent of Public Instruction, of the amount of money required

Certain schools containing over and under fifty census children legalized.

Superintendent to pay 40 per cent. 10th January, 1874.

to promptly liquidate teachers' claims as they mature over and above the sum paid into the Treasury from the revenue derived from taxation and other sources, the Auditor of Public Accounts is hereby authorized to transfer, from the revenue proper a sufficient amount of money to liquidate any school claim authorized to be paid under the provisions of this act: *Provided*, If said sum cannot be supplied from the revenue proper, the Governor of this Commonwealth is authorized to borrow the same until the taxes are paid into the Treasury.

1873.

Provision made
to pay school
teachers out of
revenue proper.

§ 4. That the trustees now in office shall hold over until the first Saturday in July, 1874.

§ 5. This act shall be in force from and after its passage.

Approved December 17, 1873.

CHAPTER 10.

AN ACT to take the sense of the people of this State as to the propriety of calling a Convention to revise the Constitution.

WHEREAS, It is represented to the General Assembly that many of the good citizens of this Commonwealth do verily believe that experience has pointed out the necessity of calling a convention with the view of amending the Constitution of this State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the sheriffs and other returning officers, at the next general election to be held for Representatives after the passage of this act, to open a poll for and make a return to the Secretary of State for the time being of the names of all citizens entitled to vote for Representatives who have voted for calling a convention.

Polls to be opened
at next election of
Representatives
and vote for con-
stitutional con-
vention returned
to Secretary of
State.

§ 2. *Be it further enacted*, That any sheriff or other returning officer failing to perform the duty according to the provisions of the first section of this act, shall be subject to a fine of six hundred dollars, to be recovered by indictment by any grand jury in any court having jurisdiction thereof, and also be subject, upon conviction of such failure, to removal from office.

Penalty against
sheriffs for failing
to do the duty re-
quired by this act.

§ 3. *Be it further enacted*, That it shall be the duty of the Secretary of State to have advertised this act in the columns of one weekly newspaper in every county of this State for two consecutive weeks immediately preceding the election herein, and in one of the daily newspapers of the city of Louisville for thirty days immediately preceding the election: *Provided, however*, There is no weekly newspaper in any one or more counties of this Commonwealth in which said advertisement can be made, it is made his duty to have posted a printed copy of said bill, in handbill form, at the court-house door of such counties, for at least two consecutive weeks preceding said election.

Secretary of
State to have this
act advertised in
papers, &c.

1873.

10,000 copies of
this act to be dis-
tributed.

§ 4. *Be it further enacted*, That the Public Printer shall, upon a separate leaf or sheet, print ten thousand copies of this act, and deliver them to the Secretary of State, who shall send seventy-five copies of the same to the clerk of the county court of each county in the State at the time of forwarding the acts of the General Assembly, and said clerks shall deliver the same to the sheriffs of their several counties.

Interrogatory to
be propounded to
voter.

§ 5. *Be it further enacted*, That it shall be the duty of the clerks or judges conducting the said general election to propound distinctly to each voter the following interrogatory: "Do you vote for calling a convention or not?" And if he answers in the affirmative, his name shall be recorded as having voted for calling a convention.

Assessor to en-
roll the name of
each party enti-
tled to vote for
Representatives
in 1875, & trans-
mit same to Au-
ditor.

§ 6. *Be it further enacted*, That it shall be the duty of the assessors of tax to open a column in their assessors' books, and enroll therein the name of each citizen entitled to vote for Representative for the year 1875; and they shall be governed in all cases, in ascertaining who is entitled to vote, by the laws then in force to prevent illegal voting; and this column, written in a fair and legible hand, shall be transmitted with the assessors' books to the Auditor, who shall make out a copy thereof, and deposit the same in the office of the Secretary of State for the time being, who shall transmit the same to the next Legislature, as a list of those who are entitled to vote for Representatives, in order that the Legislature may have the means to ascertain whether a majority of the citizens of the State entitled to vote for Representatives have voted for a convention.

Oath to be taken
by assessor.

§ 7. *Be it further enacted*, That it shall be the duty of each assessor of tax, who shall be in office in the year 1875, as soon as he shall be advised of the passage of this act, to go before a justice of the peace and take the following oath: I do solemnly swear I will, to the best of my skill and judgment, fairly ascertain the number of qualified voters in the district in which I was elected for the year 1875, and report the same, with my book made as assessor of tax, before the first day of May, 1875.

Assessor to ex-
amine voter as
to his right to
vote.

§ 8. *Be it further enacted*, That the assessors of tax may, and they are hereby required to examine on oath any person in relation to his right to vote for Representatives, when he has doubts as to his right to vote; and any person who shall knowingly swear falsely before the assessor, and shall thereof be convicted, shall be subjected to all the pains and penalties of the crime of perjury.

§ 9. *Be it further enacted*, That the assessor shall write "sworn" opposite the name of each person who may be sworn by him.

§ 10. *Be it further enacted*, That it shall be the duty of the Public Printer to print five hundred copies of the seventh, eighth, and ninth sections of this act, immediately after its passage, and deliver them to the Secretary of State for the

time being, who shall transmit them forthwith to the county clerks, to be delivered by them as soon as possible to the assessors of tax for the year 1875. 1873.

Approved December 18, 1873.

CHAPTER 11.

AN ACT providing, in case of the death of a circuit, chancery, or common pleas judge, during a term of his court, for the holding of the same, and signing orders by his successor.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That where the judge of any circuit, chancery, or common pleas court has died, or shall die before the expiration of any term of court, or before the expiration of the term as extended by his order, whether definite or indefinite, his successor, if he shall qualify before the expiration of such original or extended term has expired, may continue and hold such court, and sign all orders not signed by his predecessor, the same as his predecessor might have done had he lived.

Provision for holding court and signing orders after death of judge of circuit, chancery, & common pleas courts.

§ 2. This act shall take effect from and after its passage.

Approved December 19, 1873.

CHAPTER 13.

AN ACT to amend chapter three of title eighteen of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the reversal of a case in the Court of Appeals, which is remanded for trial or other proceedings, it shall stand for trial or such other proceedings in the court whence the appeal was taken at the next succeeding term thereof: *Provided*, The mandate of the Court of Appeals shall have been filed in the clerk's office of the lower court, and notice thereof given to parties, if they reside in the county, or their attorneys, if the parties reside out of the county, ten days before the beginning of such term. Such case shall occupy the same position on the docket of said court as if no appeal had been taken; and, at any time after the mandate is filed in the clerk's office, and notice thereof given as aforesaid, either party may take depositions to be read on the hearing, as in other causes.

See Civil Code, page 247.

§ 2. This act shall take effect from its passage.

Approved December 19, 1873.

1873.

CHAPTER 19.

AN ACT appropriating money to the Fourth Kentucky Lunatic Asylum.

WHEREAS, By an act of the General Assembly, entitled "An act concerning the various charitable institutions in this Commonwealth," the buildings formerly erected and designed as a State House of Reform for Juvenile Delinquents, were converted into an asylum for the reception, care, and treatment of that class of lunatics afflicted with chronic mania or epilepsy, under the name of the "Fourth Kentucky Lunatic Asylum," and the Governor was directed "to cause all the lunatics in the State to be located and provided for in conformity with said act;" but no provision was made under which he could draw money from the Treasury for that purpose; and whereas, it appears from the Governor's message that, in order to carry out the directions of said act, it was indispensably necessary to make extensive changes and improvements in and upon said buildings, as well as in providing water supplies, heating apparatus, furniture, &c., to provide for which he borrowed from the Commissioners of the Sinking Fund the sum of fifty thousand dollars, for which he gave his bond as Governor of the State of Kentucky; and whereas, it appears from the said message that the contracts made by the Governor for these necessary changes and improvements amount to the sum of sixty thousand four hundred dollars, and that the work has so far progressed as to furnish accommodations for more than one hundred and forty inmates, and is expected to be completed at an early date; and whereas, it is manifest that unless said loan had been made to the Governor by the Commissioners of the Sinking Fund, said asylum could not have been occupied or used as such for nearly or quite two years, and thus left the patients now confined in that institution unprovided for; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

\$60,000 appropriated to pay for work already done on Fourth Lunatic Asylum.

§ 1. That the said action and proceedings of the Governor and the Commissioners of the Sinking Fund are approved and confirmed by this General Assembly, and that the said sum of sixty thousand four hundred dollars is hereby appropriated to pay for the work already completed or under contract, and the other necessary expenditures for said asylum; and that the Auditor of Public Accounts is directed to draw his warrant therefor in favor of the Governor of this Commonwealth, and that the same shall be paid out of the public Treasury: *Provided, however,* That the aforesaid bond for fifty thousand dollars given by the Governor to the Commissioners of the Sinking Fund shall be delivered to him as part of this appropriation, and the Governor is hereby required to make report to the General Assembly, showing how or for what said money has been or shall be expended.

§ 2. It is further enacted that this act shall take effect from its passage.

Approved December 22, 1873.

CHAPTER 22.

1874.

AN ACT to change the time of holding the Lee county and quarterly courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the county courts of Lee county shall commence on the fourth Mondays in each month, and that the quarterly courts shall commence on Tuesdays after the fourth Mondays in June, September, December, and March, and continue until the business is completed. Lee county court.

§ 2. This act to take effect and be in force from and after its passage.

Approved December 22, 1873.

CHAPTER 36.

AN ACT for the benefit of the clerks of the several courts of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section sixth, article thirty-one, of General Statutes, title "Crimes and Punishments," be, and the same is hereby, so amended, as to authorize such clerks of the several courts of this Commonwealth as were engaged in the practice of law before the General Statutes went into operation on the first day of December, 1873, to practice law in all causes in which they were engaged as attorneys before the General Statutes took effect on said first of December, 1873. See General Statutes, page 361.

Clerks permitted to continue and complete unfinished cases they had as attorneys.

§ 2. This act shall take effect from and after its passage.

Approved January 10, 1874.

CHAPTER 42.

AN ACT to change the boundary line between the counties of Jefferson and Oldham.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the line dividing the counties of Jefferson and Oldham be so changed as to include within the county of Oldham the present residence and farm of Philip R. Taylor.

§ 2. This act to take effect from its passage.

Approved January 13, 1874.

1874.

CHAPTER 53.

AN ACT to amend section seventy-seven, article one, chapter two, of the Civil Code of Practice.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See Civil Code,
page 25.

§ 1. That section seventy-seven, article one, chapter two, of the Civil Code of Practice, be amended by adding thereto the following, to-wit: "Or if the defendant is a railroad company, the service of summons may be upon the passenger or freight agent of the company stationed at or nearest the county seat of the county in which the action is or may be pending."

§ 2. This act shall take effect from and after its passage.

Approved January 8, 1874.

CHAPTER 74.

AN ACT to fix the time of holding the Garrard circuit court, and to amend section five, article five, chapter twenty-eight, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See General Stat-
utes, page 281.

§ 1. That so much of section five, article five, chapter twenty-eight, of the General Statutes, as requires that the Garrard circuit court shall be held on the third Monday in January, to hold eighteen days, and on the second Monday in July, to hold sixteen days, is hereby repealed; and said court shall commence and be held on the second Mondays in February and August in each year, and each term continue for the period of eighteen judicial days, if the business of the court shall require it. The equity term of said court shall remain as now fixed by law, and be held on the second Monday in October of said year, and to continue six days, if the business of the court shall require it.

§ 2. This act shall take effect from and after its passage.

Approved January 21, 1874.

CHAPTER 98.

AN ACT in regard to sheriffs' bonds for collecting the revenue of 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Time of ex-
ecuting sheriffs'
bonds for 1874.

§ 1. That it shall be lawful for all sheriffs in this Commonwealth, who have not executed their bonds for the collection of the State revenue on or before the first Monday in January, 1874, as required by law, to execute bond before their respective county courts at the February or March term thereof for said year.

§ 2. This act shall take effect from its passage.

Approved January 23, 1874.

CHAPTER 106.

1874.

AN ACT to change the time of holding the Hart county quarterly courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Hart county quarterly courts shall hereafter be held as provided for by the General Statutes, all other acts to the contrary notwithstanding. Hart quarterly court.

§ 2. This act to take effect from its passage.

Approved January 24, 1874.

CHAPTER 109.

AN ACT to amend section six of chapter thirty, General Statutes.

WHEREAS, Doubts have arisen as to the right of corporations organized under the laws of this State or other States, or of the United States, to make loans in this State, either of gold or silver coin, or currency, commonly called United States legal tender notes, or notes of solvent banks organized under an act of Congress, entitled "An act to provide a national currency secured by a pledge of United States bonds, and to provide for the circulation and redemption thereof," approved 3d June, 1864, and amendments thereto. Now, for remedy thereof,

See General Statutes, page 368.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all such loans as named in the preamble of this act shall be deemed legal and valid for all purposes, whether made before or after the passage of this act, and such contracts may be enforced by any court of competent jurisdiction according to their tenor: *Provided*, That no greater rate of interest shall be collected thereon than allowed by law at the making of the same.

§ 2. This act takes effect from its passage.

Approved January 24, 1874.

CHAPTER 110.

AN ACT, entitled "An act to change the time of holding the Lee county and quarterly courts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the county courts of Lee county shall be held on the fourth Mondays in each month, and continue at each term so long as the business of the court may require. Lee county court.

§ 2. That the quarterly courts of said county shall be held on the Tuesdays after the fourth Mondays in March, June, September, and December. Lee quarterly court.

1874. § 3. This act shall take effect and be in force on and after the first day of March, 1874.

Approved January 24, 1874.

CHAPTER 113.

AN ACT to change the time of holding the Butler quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Butler quarterly court.

§ 1. That from and after the April term, 1874, of the Butler county quarterly court, the terms of said court shall commence on the first Mondays of January, April, July, and October in each year, and continue until the business therein at each is through.

§ 2. This act shall be in force from its passage.

Approved January 26, 1874.

CHAPTER 117.

AN ACT to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County judge, upon written petition, to order vote to be taken as to sale of liquor in county.

§ 1. That it shall be the duty of the judge of the county court, in each county of this Commonwealth, upon a written petition, signed by at least twenty of the legal voters in any civil district, town, or city, in his county, to make an order on his order book, at the next regular term of his court after he receives said petition, directing the sheriff or other officer, whose duty it may be to hold the election, to open a poll in said district, town, or city, at the next regular State, town, city, or county election held therein, for the purpose of taking the sense of the legal voters in said district, town, or city upon the proposition whether or not spirituous, vinous, or malt liquors shall be sold therein.

County clerk to give sheriff copy of order.

§ 2. It shall be the duty of the county court clerk to give to the sheriff or other officer, whose duty it shall be to hold the election mentioned in section one of this act, a certified copy of the order of the judge of the county court as it appears on his order-book, within ten days after said order is made.

Sheriff to have order of county judge published & to give proper notice of same.

§ 3. It shall be the duty of the sheriff or other officer, whose duty it may be to hold the election mentioned in section one of this act, to have the order of the judge of the county court published in some weekly or daily paper published in the county, for at least two weeks before the election; and also to advertise the same by printed or written handbills, posted at five conspicuous places in said district, town, or city, for the same length of time; and if there is no daily or weekly newspaper published in the county, the

printed or written handbills posted as before provided for shall be sufficient notice. The sheriff or other officer, whose duty it shall be to hold the election mentioned in section one, shall have the advertisement and notices herein provided for posted as above provided for within ten days after he receives the order of the county judge, and twenty days before the election.

1874.

§ 4. It shall be the duty of the sheriff or other officer, whose duty it may be to hold the election mentioned in section one of this act, to open a poll, and the election officers shall propound to each voter who may vote the question, "Are you in favor of the sale of spirituous, vinous, or malt liquors in this district, town, or city?" and his vote shall be entered for or against it, as he directs. The poll shall be returned as the other polls in said election, shall be examined and compared by the same officers.

Duty of sheriff to open poll, &c.

§ 5. If it shall be found that a majority of the legal votes cast at the election before provided for were given against the sale of the spirituous, vinous, or malt liquors in the district, town, or city, it shall be the duty of the examining board to certify that fact, which certificate shall be delivered to the clerk of the county court, and by him safely kept until the next regular term of the county court, at which term the judge thereof shall have the same spread on the order-book of his court, and said entry of the certificate in the order-book, or a certified copy thereof, shall be *prima facie* evidence in all proceedings under this act.

If majority are against selling liquor, the same is to be certified to the county clerk by the examining board, and same to be spread on order-book.

§ 6. After the entry of the certificate of the examining board, as above provided for, in the order-book of the county court, it shall be unlawful for any person to sell any spirituous, vinous, or malt liquors in the said district, town, or city to any person; and any person who sells any such liquors in said district, town, or city shall, upon conviction, be fined the sum of not less than twenty-five dollars nor more than one hundred dollars for each offense.

Penalty for selling after vote is spread on order-book.

§ 7. The provisions of this act shall not apply to any manufacturer or wholesale dealer, who, in good faith and in the usual course of trade, sells by the wholesale, nor to druggists who sell for medicinal purposes on a prescription made and signed by a regular practicing physician; but no physician shall make or sign any such prescription, except the person for whom it is made is actually sick, and such liquor is absolutely required as a medicine; and any physician who makes or signs any prescription for such liquors, except as provided for in this act, shall be guilty of a violation of this act, and, on conviction, fined twenty-five dollars for each offense.

Exceptions.

§ 8. The county judge shall not make the order for the election until the persons signing the petition have deposited with him, in money, an amount sufficient to pay for printing or posting advertisements as provided for, and the fees of the clerk for making entries on the order-book, and other legal fees.

§ 9. The election herein provided for shall not be held oftener than every two years; and in towns, cities, and dis-

1874. triets where an election for the purpose and intention of this bill has already been held, no other election shall be ordered until two years from said election.

§ 10. This act shall take effect from its passage.

Approved January 26, 1874.

CHAPTER 123.

AN ACT to amend the law of evidence.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Incompetent for priests, &c., to testify as to certain communications made to them.

§ 1. That no priest, elder, or minister, to whom any communication, admission, or confession shall be made by any person, under any promise or advice, or expressed conscious belief that the same will redound to the future spiritual benefit of such person, shall be competent to testify to the same, in any court or trial, without the consent of such person in open court.

Approved January 28, 1874.

CHAPTER 127.

AN ACT to amend section two, article six, chapter fifteen, General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Postage for Attorney General & Treasurer.

§ 1. That postage shall be paid, under the provisions of the first article of this chapter, upon all letters, packages, or other communications sent by mail or otherwise, by or from the Attorney General and State Treasurer, upon public business connected with the official duties of each of said officers.

§ 2. This act shall take effect from its passage.

Approved January 29, 1874.

CHAPTER 130.

AN ACT to change time of holding the September term of Shelby county quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Shelby quarterly court.

§ 1. That the September term of the quarterly court of Shelby county shall commence on the fourth Monday of said month, instead of the first Monday, as now provided by law.

§ 2. This act to be in force from and after its passage.

Approved January 29, 1874.

CHAPTER 134.

1874.

AN ACT to provide for the registration of marriages, births, and deaths.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of all clergymen or other persons who shall hereafter celebrate or perform the marriage ceremony within this Commonwealth, to keep a registry of all marriages celebrated by them, showing the names, ages, residence, and place of birth of the persons married, whether they were single or widowed, and the time of the marriage.

Clergymen to keep registry of marriages.

§ 2. It shall be the duty of all physicians, surgeons, and midwives, to keep a registry of all births and deaths at which they have professionally attended, showing, in cases of birth, the time and place of birth, name of the father, and maiden name of the mother, and their residence, sex, and color of the child, together with its name, if it shall receive one, and whether it was born alive or dead; and showing, in cases of death, the time, place, and cause of death, the name, age, sex, color, and condition (whether single, married, or widowed), name and surname of parents, occupation, residence, and place of birth of the deceased: *Provided further*, That when two or more physicians, surgeons, or midwives may have attended professionally at any birth or death, that physician, surgeon, or midwife who is oldest in attendance shall make the registry.

Physicians, midwives, &c., to keep registry of births, &c.

§ 3. It shall be the duty of the clergymen, physicians, &c., above named, to deposit in the county clerk's office of the counties in which such births, &c., occur, on or before the 10th day of January, in every year, the said registry, or a copy thereof, embracing the period of one year, ending on the 31st day of December last preceding the time of deposit; and the clerk shall deliver copies of the same to the assessor.

Registry or copy of it to be deposited in county court annually.

§ 4. It shall be the duty of the assessors, while making their lists of taxable property, to ascertain and record in a list separate from the list of taxable property, all the births, marriages, and deaths which shall have occurred within their respective counties in the twelve months ending on the 31st day of December last preceding the time of assessment, with all the items of time, place, &c., herein directed to be inserted in the registries above named; and they shall make strict inquiry of all heads of families, and shall use the registries of clergymen, &c., above named, in order to obtain correctly the information herein required. They shall return said lists of births, &c., with the registries of clergymen, &c., aforesaid, to the clerks of the county courts at the same time they return their lists of taxable property; and the clerks shall copy said lists of births, &c., and transmit the copies to the Auditor of Public Accounts with the lists of taxable property. The clerks shall be paid at the same rates they are paid for copying the lists of taxable property. The assessor shall be allowed two cents for each birth, marriage, or death recorded, as herein directed, to be paid in the same manner as

Assessors to make registry & return same to county courts; clerks to transmit copies of registry to Auditor.

Fees of assessor.

1874. for making the lists of taxable property: *Provided*, That it shall be lawful for any assessor to record, separately, the time, place, &c., of any birth, marriage, or death which may have occurred prior to the time which the list then being made embraces, or which may have occurred within this Commonwealth; for every entry so made, the party causing it to be done shall pay to the assessor five cents.

Auditor to make tabular statements; to cause 500 copies to be printed and distributed annually; also to have proper blanks printed.

§ 5. It shall be the duty of the Auditor to make, from all the lists of births, marriages, and deaths so transmitted to him, tabular statements, showing, in condensed form, the information herein required to be preserved, keeping the statistics of each county separate; and to cause 500 copies of the same to be printed, in pamphlet form, on or before the 1st day of January in every year; to transmit not more than five nor less than two copies to each county court clerk's office in this Commonwealth, one of which shall be forever carefully kept in such office, and the remainder distributed for the use of the citizens of their respective counties. He shall cause to be printed suitable blanks for the use of assessors, clergymen, physicians, &c., with separate columns for each of the items of information herein required, and send a sufficient number of said blanks to the clerks of each county court for distribution. He shall annex to said blanks such instructions as he may deem necessary to secure the faithful execution of this act.

Assessor authorized to administer oath.

§ 6. To enable the assessors to obtain full and correct information touching the facts herein required to be ascertained, they shall have full power to swear and interrogate any person in their respective counties for that purpose; and it shall be the duty of all such persons, when thereto required by the assessor, with or without oath, to give him fully and truly all the information he or she may possess touching any of said facts.

§ 7. The several county court clerks shall forever carefully preserve the lists of births, &c., and the registries of clergymen, &c., herein required to be returned to them, for the use of the public.

§ 8. The said lists of births, marriages, and deaths returned to the clerks of the county courts by the assessors, as also the original tabular record herein required to be made and kept by the Auditor, or a duly certified copy of any birth, marriage, or death from either of them, given and certified by the keeper of such records, shall hereafter be admitted and received in all courts in this Commonwealth as *prima facie* evidence of any such birth, marriage, or death therein recorded or so certified.

Penalty.

§ 9. Any person failing to discharge and perform any of the acts or duties herein imposed and required to be done, shall, for every such failure, be fined in a sum not less than five nor more than twenty dollars, to be recovered by warrant before a justice of the peace or by presentment by the grand jury.

§ 10. This act to take effect from its passage.

Approved January 31, 1874.

CHAPTER 150.

1874.

AN ACT to protect the owners of property in this Commonwealth against damages by fire from steam cars.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it is hereby made the duty of all railroad companies or persons, running or operating cars by steam, on any railroad track or tracks in this Commonwealth, to place on or around the tops of the chimneys of such car or locomotive a screen, fender, damper, or other preventive, as will prevent, so far as possible, sparks of fire from escaping from such cars into fields, pastures, or out-lands, or igniting any timber, grass, hay, corn-stalks, house, stable, or any combustible matter whatever.

Railroad companies required to fix chimneys so as to prevent sparks from flying out.

§ 2. Any person or railroad company failing to comply with the provisions of the first section of this act shall, upon conviction, be fined in any sum not exceeding two hundred dollars for each offense, recoverable by indictment, besides being responsible to any person injured by fire escaping from cars run or operated by them; such damages may be recovered in any court having jurisdiction of the same.

Penalty.

§ 3. This act shall take effect and be in force thirty days after its passage.

Approved January 30, 1874.

CHAPTER 156.

AN ACT to amend section nine of chapter seventy-two of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section nine of chapter seventy-two of the General Statutes be, and the same is hereby, amended by inserting after the word "State," in the sixth line of said section, these words: "Or any circuit court of the United States or the Supreme Court thereof."

General Statutes, page 641.

§ 2. This act to take effect from its passage.

Approved January 31, 1874.

CHAPTER 160.

AN ACT increasing the jurisdiction of justices of the peace in Crittenden, Caldwell, and other counties in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the courts of justices of the peace in the counties of Butler, Bracken, Barren, Boyd, Crittenden, Calloway, Caldwell, Daviess, Fulton, Graves, Hickman, Hen-

Jurisdiction of justices of the peace in certain counties increased to \$100.

1874.

derson, Henry, McLean, Monroe, Metcalfe, Marshall, McCracken, Ohio, Pendleton, Pulaski, Todd, Union, Webster, Wayne, Trigg, Owen, Gallatin, Boone, Muhlenburg, Grayson, Meade, Anderson, Casey, Russell, Marion, Cumberland, Hopkins, Breckinridge, Clinton, Greenup, Campbell, Mason, Mercer, Livingston, Franklin, Garrard, Lawrence, Woodford, and Washington, shall have jurisdiction concurrent with the circuit and quarterly courts of this Commonwealth of all actions and proceedings for the recovery of money or personal property, where the matter in controversy, exclusive of interest and costs, does not exceed one hundred dollars in value. The pleadings therein shall be oral, and without verification; yet before any summons shall issue, the plaintiff shall file with the justice the account or the written contract, or a short written statement of the facts on which the action is founded. In all sums exceeding fifty dollars, a tax of fifty cents shall be paid by the plaintiff; and if the claim of the plaintiff is less than fifty dollars, and the set-off or counter-claim of the defendant is greater than fifty dollars, then a like sum of fifty cents shall be paid by the defendant to the justice, who shall report and account for such sums so paid (by plaintiff or defendant, as case may be) to the trustee of the jury fund, as in cases of fines collected by justices of the peace.

Appeals regulated.

§ 2. Upon all judgments hereafter rendered in justices' courts, by virtue of the provisions of this act, where the amount in controversy is of the value of less than fifty, and as much as ten dollars or more, exclusive of interest and costs, appeals may be had by either party to the quarterly courts of such counties in which the judgment is rendered; and where the matter in controversy is of the value of fifty dollars or more, exclusive of interest and costs, appeals may be had by either party to the circuit court of the county in which the judgment is rendered. The appeals and costs, in all other respects, shall be regulated as now provided by law.

§ 3. All laws in conflict with this act, as to the counties mentioned in this act, are hereby repealed.

§ 4. The provisions of this act shall not apply to the Carrsville district, in Livingston county.

§ 5. This act shall take effect and be in force from and after the first Monday in May, 1874.

[Became a law without the Governor's signature, February 13, 1874.]

CHAPTER 162.

AN ACT to provide for the improvement of Rockcastle river and its Forks.

WHEREAS, The said river has been declared by an act of this Legislature navigable; and whereas, obstructions, such as loose stones, snags, sunken timber, sand-drifts, and leaning trees, now render the navigation of said river hazardous and dangerous, by reason of which heavy losses attend the efforts

of a portion of the citizens of this Commonwealth in their attempts to bring to market valuable products, such as coal, timber, and iron ore; and believing that a judicious and proper expenditure in removing the obstructions will greatly improve the navigation of said river, and that it can thereby be made safe and reliable for a large portion of the year for coal-barges and rafts; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of four thousand dollars is hereby appropriated, to be paid out of any money in the public Treasury not otherwise appropriated, to be expended as hereinafter provided in the removal of obstructions, and in the improvement of the navigation of the Rockcastle river and its forks, from a point in said river at Livingston Station, on the Knoxville Branch of the Louisville and Nashville Railroad, up to the mouth of the Middle Fork, and up said Fork to the mouth of Indian creek, and from the main river up the South Fork to the mouth of Pond creek, the expenditure of which shall be superintended by commissioners to be named, and on conditions hereinafter set forth.

§ 2. That Isaac J. Faubus, Joseph F. Baugh, and Wm. L. Mullins, are hereby appointed commissioners, whose duty it shall be to lay off said river and its forks into three or more sections, and to let out the work in said sections to the lowest responsible bidder or bidders. The party or parties contracting to do the work shall be required to give bond and security, payable to the Commonwealth of Kentucky, that the work shall be done in proper manner, and in the time required by the contract; but before the letting of contracts, it shall be the duty of the commissioners to give at least fifteen days' notice of the same, by posting written or printed notices upon the court-house doors of Rockcastle, Laurel, and Jackson counties, and by posting at least three written or printed notices at the most public places in the vicinity of the sections of work to be let; and the letting shall be either by sealed proposals for said work, the commissioners reserving to themselves the right to reject any or all of said sealed proposals, or publicly, on a county court day, at the court-house door in the town of London and county of Laurel.

§ 3. That all contracts letting out the work under this appropriation shall be executed in duplicate writings, and signed by at least two of the commissioners and the party or parties so contracting; and it must be expressly stipulated that all work, when done, must be approved by the said commissioners, in writing, and paid for when thus approved by duplicate vouchers drawn on the Auditor of Public Accounts, executed by two or more of the commissioners, which vouchers must give the name of the contractor, and indicate the section and kind of work performed for which it is given in payment. It shall be the duty of the commissioners to for-

1874.

ward the original of said voucher to the Auditor of Public Accounts, who shall file the same in his office, and when the duplicate is presented to the said Auditor of Public Accounts, he shall draw his warrant on the Treasury in favor of the holder of said duplicate voucher for the amount of the same, and the Treasurer shall pay the same out of the fund appropriated by the first section of this act.

§ 4. It shall be the duty of the commissioners to visit the localities as the work is progressing, and especially to be present at the letting and closing of contracts; and in no case are they to pay for any portion of the work in advance. Their own per diem and expenses shall be payable quarterly, which payment shall be made by duplicate vouchers drawn upon the Auditor of Public Accounts, as hereinbefore specified in case of contractors, which vouchers must designate each and every expense incurred, and on what account.

§ 5. The pay of said commissioners shall be three dollars per day, and all necessary expenses while on duty; and they are required to report to the next session of the General Assembly the progress of the work.

§ 6. That before the said commissioners shall enter upon the discharge of their duties, they shall execute bond, payable to the Commonwealth of Kentucky, with approved security, in the clerk's office of the Laurel county court, for the faithful discharge of their duties under this act; and they shall each take an oath, before entering upon the discharge of their duties, to honestly, faithfully, and impartially discharge the same.

§ 7. This act shall take effect from its passage.

Approved February 3, 1874.

CHAPTER 163.

AN ACT to amend chapter twenty-eight, article five, section five, title "Courts" of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See General Statutes, page 281.

Criminal and chancery court to be held in Madison county.

§ 1. That chapter twenty-eight, article five, section five, title "Courts," of the General Statutes, be, and the same is, so amended as to insert the words "and chancery" after the word "criminal," in the sixth line of that part of said chapter which regulates the holding of courts in the Tenth Judicial District, so that a criminal and chancery term shall be held in Madison county on the fourth Monday in June of each year, and continue six days.

§ 2. This act shall take effect from its passage.

Approved February 3, 1874.

CHAPTER 165.

1874.

AN ACT to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls, which became a law April 15th, 1873, shall be amended by adding the following proviso to the first section thereof: *And provided further*, That proceedings to enforce such lien shall be commenced within twelve months from the birth of such offspring.

See Public Acts of adjourned session of 1871-2, page 41.

§ 2. This act and the one to which it is an amendment shall apply to the county of Logan.

§ 3. This act to be in force from its passage.

Approved February 3, 1874.

CHAPTER 176.

AN ACT to amend chapter ninety-two, article ten, section two, title "Revenue and Taxation," of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That chapter ninety-two, article ten, section two, title "Revenue and Taxation," of the General Statutes, be, and the same is, so amended as to insert 20th day of January in the last line of section two of said article and chapter, in lieu of 10th day of January, and in the eighth line of said section twenty days in lieu of ten days.

See General Statutes, page 740.

§ 2. This act shall take effect from its passage.

Approved February 3, 1874.

CHAPTER 180.

AN ACT to amend and continue in force an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls," which became a law April 15th, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls," which became a law April 15th, 1873, be, and same is hereby, continued in force, except that so much thereof as provides that the provisions of said act shall not apply to the counties of Crittenden, Breckinridge, Hopkins, and Caldwell, be, and same is hereby, repealed; and hereafter the provisions of said act shall apply to said counties.

See Public Acts of the adjourned session of 1871-2, page 41.

§ 2. This act shall take effect from its passage.

Approved February 4, 1874.

1874.

CHAPTER 186.

AN ACT to amend chapter twenty-two of the General Statutes, title "Contracts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See General Statutes, page 248.

§ 1. That chapter twenty-two of the General Statutes, title "Contracts," be, and the same is, amended by adding thereto the following section as section twenty-two, to-wit: All statements or descriptions in any application for or policy of insurance shall be deemed and held representations and not warranties, nor shall any misrepresentation, unless material or fraudulent, prevent a recovery on the policy.

§ 2. This act shall take effect from its passage.

Approved February 4, 1874.

CHAPTER 187.

AN ACT to amend section nineteen, chapter forty-two, of General Statutes

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See General Statutes, page 484.

Penalty for transporting persons across the Ohio or Mississippi river within one mile of an established ferry.

§ 1. That section nineteen, chapter forty-two, of the General Statutes, be so amended as to read as follows: Any one who shall, for reward or without reward, transport any person or thing across a water-course from or to a point within one mile of an established ferry, unless it be the owner of an established ferry on the other side of the Ohio or Mississippi river so transporting to such point on this side; and any owner or lessee or servant of the owner of a ferry on the other side of either of these rivers, or any other person, who shall so transport from this side, with or without reward, shall forfeit and pay to the owner of the nearest ferry the sum of sixteen dollars for every such offense, recoverable before a justice of the peace; but this section is not intended to apply to any bona fide owner of a skiff or other watercraft, who may transport their property and families without incurring the forfeiture herein prescribed.

§ 2. This amendment shall only apply to the ferries at Carrollton, Carroll county.

§ 3. This act shall take effect thirty days after its approval.

Approved February 4, 1874.

CHAPTER 188.

AN ACT to amend chapter forty-nine of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See General Statutes, page 510.

§ 1. That in addition to the allowances, as provided for in the fifth section of chapter forty-nine of the General Statutes, the officer conducting a convict to the Penitentiary,

or conveying a prisoner or person from one county to another, shall be allowed three dollars per day for his services, and the actual and necessary expenses paid for himself and the guards in going to or returning from the Penitentiary or county as aforesaid.

1874.

Additional allowance to officer for conveying convicts to Penitentiary.

§ 2. That this act shall cover all cases of officers and guards for services rendered, as provided in the first section of this act, since December 1, 1873.

§ 3. This act shall take effect from its passage.

Approved February 4, 1874.

CHAPTER 189.

AN ACT to amend chapter number seventy-five of the General Statutes, entitled "Master Commissioner, Receivers, and other Commissioners in Equity."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter seventy five of the General Statutes of Kentucky, title "Master Commissioner, Receivers, and other Commissioners in Equity," be, and the same is amended as follows, to-wit: When the office of commissioner or receiver of any court of this Commonwealth shall become vacated by the death, resignation, or removal from the county, of the incumbent, in vacation, it shall be lawful for the judge of such court to fill or supply such vacancy by the appointment of another commissioner or receiver, in vacation, which appointment shall, at the next term of said court, be entered of record.

See General Statutes, page 656.

Judge to supply vacancy of commissioner, &c., in vacation.

§ 2. When any person shall be appointed commissioner or receiver of any court, as provided for in the first section of this act, he shall, before entering on the discharge of his duties, take the oath and execute bond, with good security, as required by sections two and three of chapter seventy-five of the General Statutes, which oath must be administered and bond approved by the clerk of such court, and reported to the next term of the court, and entered on the record.

Commissioner to take oath and execute bond.

§ 3. When any person shall be appointed and qualified as herein provided for, he shall have full power to perform all the duties of master commissioner or receiver of such court, and may use any proof which may have been reduced to writing and signed by his predecessor, and may execute any order of court or judgment which it was the duty of his predecessor to have executed, and which remains unexecuted in consequence of the death, resignation, or removal from the county of such former incumbent: *Provided*, That in all such cases the reasons for his acting must be stated in his report.

Powers and duties of commissioner.

§ 4. That this act shall take effect from its passage.

Approved, February 4, 1874.

CHAPTER 199.

AN ACT to regulate the responsibility of innkeepers.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Responsibility
of innkeepers for
watches, &c.

§ 1. That no innkeeper in this Commonwealth (who shall constantly have in his inn an iron safe, or suitable vault, in good order, and fit for the safe custody of money, bank notes, jewelry, articles of gold and silver manufacture, precious stones and bullion, and who shall keep a copy of this act, printed by itself, in large plain English type and framed, constantly and conspicuously suspended in the office, bar-room, saloon, reading, sitting, and parlor room of his inn; and also a copy, printed by itself, in ordinary size plain English type, posted upon the inside of the entrance door of every public sleeping room of his inn) shall be liable for the loss of any such article aforesaid suffered by any guest, unless such guest shall have first offered to deliver such property lost by him to such innkeeper for custody in such iron safe, and such innkeeper shall have refused or omitted to take it, and deposit it in such safe for its custody, and to give such guest a receipt therefor; but every innkeeper shall be liable for any loss of the above enumerated articles by a guest in his inn, caused by the theft or negligence of the innkeeper, or of any of his servants, anything to the contrary thereof in this act notwithstanding.

Penalty against
innkeeper for
embezzling goods
of his guests.

§ 2. That if any innkeeper shall embezzle or convert to his own use, or fraudulently take, make away with, or secrete, with intent to embezzle, or fraudulently convert to his own use, without consent of his guest, any money, bank notes, jewelry, articles of gold or silver manufacture, precious stones or bullion, delivered to such innkeeper by his guest for safe custody, he shall, upon conviction thereof, be punished in the manner prescribed by law for feloniously stealing property of the value of the article or articles so embezzled, taken, or secreted.

§ 3. This act shall take effect from and after its passage.

Approved February 5, 1874.

CHAPTER 217.

AN ACT for the benefit of the Law Department of the Kentucky University.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Diploma from
Louisville Law
School equivalent
to license to prac-
tice law.

§ 1. That a diploma issued to a graduate in the Law Department of Kentucky University shall be held to be a license entitling the holder to practice his profession as an attorney at law as fully as the license issued, upon examination, as provided in the General Statutes.

§ 2. This act shall take effect from and after its passage.

Approved February 7, 1874.

CHAPTER 218.

1874.

AN ACT to prohibit the law partner or partners of the Attorney General, Commonwealth and County Attorneys of this State, to defend any person whom, by the laws of this Commonwealth, it is made the duty of said officers to prosecute.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not hereafter be lawful for any law partner or partners of the Attorney General, Commonwealth and County Attorneys of this State, directly or indirectly, to defend any person or persons whom, by the laws of this Commonwealth, it is made the official duty of said Attorney General, Commonwealth and County Attorneys, to prosecute.

Unlawful for partner of Attorney General, Commonwealth and county attorneys, to defend persons they have to prosecute.

§ 2. But that the partner or partners of said officers may aid in the prosecution of any and all cases in which the Commonwealth is plaintiff, when employed so to do.

§ 3. Any person so offending shall be guilty of a misdemeanor, and, upon conviction, shall be fined not less than one hundred dollars nor more than five hundred dollars.

Penalty.

§ 4. That this act shall take effect from and after its passage.

Approved February 7, 1874.

CHAPTER 220.

AN ACT for the protection of livery stable-keepers, farmers, and other persons in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act for the protection of the livery stable-keepers of this Commonwealth, approved January 31st, 1871, be applied to all the counties of this Commonwealth.

See Public Acts of adjourned session of 1869, page 12.

§ 2. That the lien given in said act to livery stable-keepers be extended to all farmers and other persons in this Commonwealth feeding or grazing horses or other live stock for compensation; and that no such stock shall be exempt from sale under this act.

Livery stable-keepers' lien extended to farmers.

§ 3. The provisions of this act shall not apply to the county of Whitley.

§ 4. This act shall take effect from and after its passage.

Approved February 7, 1874.

1874.

CHAPTER 230.

AN ACT to create a court of common pleas in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a court of justice, to be known as the "Court of Common Pleas," is hereby established in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott.

Time of electing judge.

§ 2. On the first Monday in August, 1874, and on the same day every sixth year thereafter, an election shall be held in said counties for the election of a judge of said court, who shall enter upon his office on the second Monday thereafter, and continue in office for six years, and receive the same salary allowed by law to a judge of a circuit court, and payable in the same manner; and the election provided for in this section shall be conducted, in all respects, as are elections for judges of circuit courts.

His salary, &c.

See General Statutes, page 289.

§ 3. All the provisions of section five, section seven, section eight, and section nine of article ten of chapter twenty-eight of the General Statutes are hereby re-enacted and applied to the court established by this act, and the judge thereof, as fully and in the same manner as the same are made applicable by the said sections to the courts provided for in said article.

Master commissioner.

§ 4. All the laws of this State in relation to the appointment of master commissioners by circuit courts, and their duties and responsibilities, are hereby made applicable to the court created by this act.

Terms of court.

§ 5. The terms of said court shall be as follows: In the county of Fayette, one term, beginning on the first Monday in January, and continuing twelve juridical days, if the business shall require it; one term, beginning on the first Monday in April, and continuing twenty-four juridical days, if the business shall require it; one, beginning on the first Monday in September, and continuing thirty-six juridical days, if the business shall require it. In the county of Bourbon one term, beginning on the first Monday in June, and continuing twelve juridical days, if the business shall require it; and one beginning on the first Monday in December, and continuing twelve juridical days, if the business shall require it. In the county of Madison one, beginning on the third Monday in May, and one on the first Monday in November, and each continuing twelve juridical days, if the business shall require it. In the county of Woodford one, beginning on the third Monday in June, and one the third Monday in January, each continuing twelve juridical days, if the business shall require it. In the county of Bath one term, beginning on the first Monday in May, and continuing twelve juridical days, if the business requires it; and one term beginning on the third Monday in November, and continuing twelve juridical days, if the business requires it. In the county of Scott one term, beginning first Monday in July, and one term, begin-

Bourbon.

Madison.

Woodford.

Bath.

Scott.

ning the third Monday in December, and each continuing twelve juridical days, if the business shall require it. Said court shall also have power to hold special terms in either of said counties for the trial of common law and equity cases; which terms may be called in the manner provided by law in relation to special terms of circuit courts; and it shall be the duty of the judge to hold such special terms whenever the business in either county may require it; and he shall hold at least one special term in each year in the county of Fayette.

1874.

§ 6. It shall be the duty of the circuit court, in each of the counties named in this act, at the close of the first term after the organization of the court created by this act, to make orders transferring to said common pleas court so many of the common law and equity causes left undisposed of in said circuit court as may be necessary to relieve its docket, but not exceeding one half of said causes; and the causes thus transferred shall be entered upon the docket of said common pleas court, and tried as if originally brought therein.

Circuit court to transfer not exceeding one half of the common law cases to court of common pleas.

§ 7. This act shall take effect from its passage.

Approved February 6, 1874.

CHAPTER 231.

AN ACT to amend section five, article thirty-five, of chapter twenty-nine, of the General Statutes, entitled "Crimes and Punishments."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five, article thirty-five, chapter twenty-nine, of the General Statutes, entitled "Crimes and Punishments," be, and the same is hereby, amended, by striking therefrom the word "first," and inserting in lieu thereof the word "third."

See General Statutes, page 364.

§ 2. That this act shall take effect from its passage.

Approved February 9, 1874.

CHAPTER 233.

AN ACT to amend section eleven, article twenty-seven, chapter twenty-nine, of the General Statutes, entitled "Crimes and Punishments."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eleven, article twenty-seven, chapter twenty-nine, of the General Statutes, entitled "Crimes and Punishments," be, and the same is hereby, amended, by striking therefrom the word "eleventh," and inserting in lieu thereof the word "tenth."

See General Statutes, page 357.

§ 2. That this act shall take effect from its passage.

Approved February 9, 1874.

1874.

CHAPTER 234.

AN ACT to amend section fourteen of article one, chapter twelve, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See General Statutes, page 183.

§ 1. That section fourteen of article one, chapter twelve, of the General Statutes, be, and the same is hereby, amended by striking out the figures "29," from the second line of said section, and by inserting in lieu thereof the figures "28."

§ 2. This act shall take effect from its passage.

Approved February 9, 1874.

CHAPTER 235.

AN ACT to amend subsection two of section one of chapter thirty-one of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See General Statutes, page 369.

§ 1. That subsection two of section one of chapter thirty-one of the General Statutes be amended so as to read as follows: To his father and mother, if both are living, one moiety each; but if the father be dead, then the mother, if living, shall inherit one moiety, and the other moiety shall descend to the brothers and sisters, and their descendants; if no brothers or sisters, or the descendants of either, the mother shall take the whole estate; if the mother be dead, then the whole estate shall pass to the father; if no father or mother, then—

§ 2. This act shall take effect from its passage.

Approved February 9, 1874.

CHAPTER 236.

AN ACT to amend chapter one hundred and two of the General Statutes, title "Small-pox."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

See General Statutes, page 790.

§ 1. That sections four, eight, and nine of article two, chapter one hundred and two, of the General Statutes, be, and the same are hereby, repealed.

§ 2. That section five of article two of said chapter be amended by striking out the words "and are required" from the third line of said section.

County judge to have certain persons vaccinated.

§ 3. That it shall be the duty of the judge of the county court of each county, whenever, in his opinion, the necessity for such action exists, to call his court together, and said court shall have power to give to some practicing physician

or physicians of the county written authority to vaccinate all persons in the county who are unable to procure vaccination. The physician so appointed shall furnish to the judge of said court a true list, under oath, of the persons vaccinated by him, with the charges therefor, which shall not exceed twenty-five cents for each successful vaccination; and the judge shall report the same to the court of claims for his county, and the court shall order the charges to be paid out of the county levy.

1874.

§ 4. This act shall be in force from its passage.

Approved February 9, 1874.

CHAPTER 272.

AN ACT to amend article four of chapter fifty-two of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The receipt of an adult married woman, in case of abandonment, non-residency, or profligacy of her husband, for the interest or rent due on any estate conveyed, devised, or held in trust for her, shall be valid in law, provided said receipt is attested by two competent witnesses.

Receipt of adult married woman in case of abandonment, &c., good.

§ 2. This act shall take effect from and after its passage.

Approved February 13, 1874.

CHAPTER 283.

AN ACT providing for the continuation of the Geological, Mineralogical, and Botanical Survey now in progress in Kentucky, and for the prosecution of other surveys.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the continuation of the Geological, Mineralogical, and Botanical Surveys now in progress, and for the prosecution of the other surveys hereinafter mentioned, there be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$15,000 per annum for the term of two years, viz: \$15,000 for the year beginning the 1st day of January, 1874, and \$15,000 for the year beginning January 1, 1875, and ending December 31st of the same year, to be expended under the direction of the Governor.

\$30,000 appropriated for 1874 & 1875 to effect Geological surveys.

§ 2. That for the outfit of wagons, horses, and other camp equipments, together with the necessary instruments for the field and laboratory work of the survey, and for the cases necessary for the exhibition of the collections of the survey in the expositions held in our cities and at Philadelphia in 1876, as well as in the cabinets provided for at Frankfort and Lexington, and for the expenses of persons employed to exhibit and

\$3,500 appropriated to wagons, camp equipments &c., &c.

1874.

supervise the same, together with all other expenses incident thereto, there be, and is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, such sums, not to exceed \$3,500, as the Governor may, from time to time, direct.

State Geologist to survey water powers of State; also to make a study of the fishes in the State.

§ 3. That the State Geologist be authorized and required to institute a survey of the water-powers of the State, to determine their value and position; that he also be required to make or have made a sufficient study of the fishes of the State, so far as the means of the survey will admit; that he be also required to cause to be examined and report on the other animals of the State which may be of economic or scientific importance.

Costs of survey how met.

§ 4. That the cost of the publication of the results of the survey be met out of the appropriation specified in the first section of this act: *Provided, however,* That the time of publication and the number of copies printed shall be determined by the Governor, it being required that all important reports shall be stereotyped or electrotyped, and the plates thereof remain the property of the State.

Directors of survey allowed to draw books, &c., from Library.

§ 5. The Director of the Surveys shall be allowed to withdraw from the State Library any books on geological subjects which he may find necessary for the prosecution of the surveys. He shall also have the right of access to all railway, river, canal, or other maps within the State, for the purpose of copying the same, as far as may be necessary for the work of the survey.

To publish result in journals.

§ 6. The Director of the Surveys shall be empowered, from time to time, to publish, in any suitable journal, the scientific or economic results of his surveys, it being provided that all discoveries of economic value shall first be published in the journal most likely to give the people concerned information.

State Geologist authorized to establish topographical corps, &c.

§ 7. That the State Geologist be authorized to organize three topographical corps, by and with the consent of the Governor, one in the Western division of the State, one in the Southern division, and one in the Eastern division, in order to carry forward the Geological Survey with as much dispatch as is consistent with accuracy and minuteness, so as to develop the mineral resources of the State; and at the same time construct geographical and geological maps, showing its geological and topographical features; and that the topographical corps shall carry forward the work simultaneously, commencing such surveys in the mineral regions of the State, while the geological reconnaissance is extended over the counties not yet explored by the principal Geologist.

§ 8. That so much of an act, entitled "An act to provide for a Geological and Mineralogical Survey of the State," approved March 22d, 1873, as is not inconsistent with the provisions of this act, be, and the same is hereby, re-enacted.

§ 9. This act shall take effect from and after its passage.

Approved February 13, 1874.

CHAPTER 287.

1874.

AN ACT concerning the State House of Reform, and permanently establishing the Central Kentucky Lunatic Asylum.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the institution heretofore erected and known as a State House of Reform for Juvenile Delinquents, and by an act of the General Assembly, entitled "An act concerning the various charitable institutions of this Commonwealth," approved 21st April, 1873, was partially changed into and called the Fourth Kentucky Lunatic Asylum, be, and the same is hereby, declared to be the Central Kentucky Lunatic Asylum, and by that name shall hereafter be known and called, and shall not any longer be used for the purposes of a State House of Reform for Juvenile Delinquents.

State House of Reform for Juvenile Delinquents converted into the Central Kentucky Lunatic Asylum.

§ 2. For the purpose of erecting and providing buildings, rooms, and accommodations at said institution for colored lunatics separate and apart from the whites, and for the purpose of enlarging the buildings and providing suitable accommodations for one hundred additional white persons above the present capacity of said institution, there is hereby appropriated the sum of one hundred thousand dollars, one third of the amount to be used in providing accommodations for colored lunatics, to be paid out of the public Treasury, the expenditure of which is confided to the Governor and two commissioners to be appointed by him and confirmed by the Senate.

\$100,000 appropriated to provide buildings, &c.

§ 3. The Governor and commissioners shall secure an architect to prepare plans and specifications for said buildings and improvements, which may be adopted or rejected by them, or accepted in a modified form; they may employ him or another, or select one of themselves to superintend said work; they shall advertise the letting of said work upon contract, in parcels or in whole, by inviting sealed bids, and shall award the contracts to the lowest and best bidder; make written contracts, and always reserve thirty per cent. upon the estimates of work done until the undertaking is fully finished and accepted by them.

Duty of the Governor and commissioners under this act.

§ 4. The Auditor shall draw his warrant on the Treasurer for said money, from time to time, upon the written order of the Governor; and the Governor and commissioners shall report to the General Assembly how they have expended said money, showing a voucher for each amount paid out.

Auditor to pay money.

§ 5. So soon as said improvements have so far progressed as that additional lunatics can be received and lodged there, it shall be the duty of the Governor to give notice thereof, and have them removed accordingly, as provided in section fifteen of said act approved 21st April, 1873: *Provided, however,* That the colored lunatics shall be kept separate and apart from the whites. And the First and Second and Central Kentucky Lunatic Asylums shall each hereafter be used

Governor to give notice and have lunatics removed.

See Acts adjourned session of 1871-'2, page 44.

1874. for the reception and treatment of lunatics, without regard to whether the case is chronic or acute, and the said act approved 21st April, 1873, is amended accordingly.

§ 6. This act shall take effect from its passage.

Approved February 16, 1874.

CHAPTER 289.

AN ACT to amend an act, entitled "An act for the benefit of the officers and soldiers of the 31st regiment, enrolled militia," approved February 7, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Act of February 7, 1866, in so far as it applies to Carter county, repealed.

§ 1. That so much of an act, entitled "An act for the benefit of the officers and soldiers of the 31st regiment of the enrolled militia," approved February 7, 1866, as authorizes the Governor to pay, or cause to be paid, out of the military fund, to each officer and soldier of the 31st regiment, enrolled militia, who were called out and served in the county of Carter in the year 1864, be, and the same is hereby, repealed.

Quarter-Master to hear proof of claims, and manner of hearing same.

§ 2. That the Quarter-Master General be, and he is hereby, authorized and empowered to hear proof of and audit the claims of the officers and soldiers of said 31st regiment, for services rendered by them, respectively, under the call of the Governor of this Commonwealth during the year 1864, in said county of Carter; and when proof shall be made of the services rendered by such officers or soldiers by the sworn certificate of the colonel or major of said regiment who commanded the same during the period of said service, or two other officers or soldiers who served in said regiment during the year 1864, under the call of the Governor aforesaid, it shall be the duty of the Quarter-Master General to certify the claim of such officers and soldiers, respectively, as being allowed by him, and the amount allowed to each of them, to the Auditor of Public Accounts, who is hereby authorized and directed to draw his warrant on the Treasury for the amount shown due each officer or soldier of said regiment, payable to those alive, respectively, and to the persons entitled to receive the same under the laws of the United States in payment of arrears of pay due deceased soldiers, in the room and stead of those of said regiment who are dead; the warrants thus drawn shall be paid by the Treasurer out of the first funds collected from the United States Government on the military claims of the State of Kentucky against the Government of the United States that shall be paid into the State Treasury after the passage of this act.

Claim to be reported to Auditor who is directed to pay same out of first money collected from General Government on war debt.

Rate to be paid.

§ 3. The payments made under and by virtue of this act shall be the same as that allowed by the laws of the United States to officers and soldiers in the military service of the United States in force at the time the services were rendered by said 31st regiment in Carter county.

§ 4. That this act shall take effect and be in force from and after its passage. 1874.

[Became a law without the Governor's signature February 17, 1874.]

CHAPTER 292.

AN ACT to amend section seven hundred and forty of the Civil Code.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section seven hundred and forty of the Civil Code be amended as follows: That the clerk, instead of entering upon the docket the name of the defendant or defendants summoned, and the day of the service upon each, shall enter in full the return of the officer executing the summons.

Clerk to enter in full the return of officer on summons.

§ 2. This act shall take effect from and after its passage.

Approved February 16, 1874.

CHAPTER 294.

AN ACT to amend section five, article five, chapter twenty-eight, of the General Statutes, title "Courts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section five, article five, chapter twenty-eight, of the General Statutes, title "Courts," be, and the same is hereby, amended by striking out all between the words "Thirteenth District," and "Fourteenth District," and inserting the following: Bath, first Monday in March and September, eighteen days; Menifee, last Monday in March and September, six days; Powell, first Monday in April and October, six days; Estill, second Monday in April and October, twelve days; Lee, fourth Monday in April and October, six days; Owsley, first Monday in May and November, six days; Wolfe, second Monday in May and November, six days; Morgan, third Monday in May and November, twelve days; Elliott, first Monday in June and December, six days; Montgomery, second Monday in June and December, eighteen days, or as long as the business may require.

Time of holding courts in the 13th judicial district changed.

§ 2. That this act shall take effect the fourth Monday in August, 1874.

Approved February 16, 1874.

1874.

CHAPTER 295.

AN ACT to amend section fourteen, article four, chapter fifty-two, General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Divorce a vinculo, &c., bars curtesy & dower.

§ 1. That section fourteenth (14th), article fourth (4th), chapter fifty-second, of the General Statutes, be amended so as to read as follows: A divorce from the bonds of matrimony shall bar all claim to curtesy or dower, and distributive right.

§ 2. This act shall take effect from and after its passage.

Approved February 16, 1874.

CHAPTER 296.

AN ACT changing the time of the meeting of the General Assembly.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Legislature to meet on 31st of December.

§ 1. That the stated biennial meeting of the General Assembly shall commence on the thirty-first day of December: *Provided*, That when said day falls on Sunday, it shall commence on the thirtieth day of said month.

§ 2. All laws in conflict herewith are hereby repealed.

§ 3. This act shall be in force from its passage.

Approved February 16, 1874.

CHAPTER 316.

AN ACT to increase the jurisdiction of quarterly courts in Hickman, Fulton, Graves, Calloway, Henderson, Union, Webster, Todd, McCracken, Owen, Gallatin, Logan, Boyd, Barren, Boone, Monroe, Metcalfe, Edmonson, Breckinridge, Wayne, Pulaski, Marshall, Cumberland, and other counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jurisdiction of quarterly courts in certain counties increased to \$200.

§ 1. The quarterly courts in the counties of Hickman, Fulton, Graves, Calloway, Henderson, Union, Webster, Todd, Logan, Barren, Monroe, Metcalfe, Edmonson, Breckinridge, Wayne, Boyd, McCracken, Owen, Gallatin, Boone, Pulaski, Marshall, Cumberland, Livingston, Knox, Casey, Russell, Bath, Menifee, Garrard, Anderson, Lincoln, Greenup, Bell, Rockcastle, Laurel, Clinton, Morgan, Hopkins, McLean, Mercer, Butler, and Meade, shall have jurisdiction concurrent with circuit courts of all actions for the recovery of money or personal property, where the matter in controversy, exclusive of interest and costs, exceeds one hundred dollars, and does not exceed two hundred dollars in value, and in other cases as provided by statute.

§ 2. This act shall take effect from and after the first Monday in August, 1874.

Approved February 17, 1874.

CHAPTER 325.

1874.

AN ACT to apportion representation in the Senate and House of Representatives.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§1. That representation for the House of Representatives shall be apportioned among the several counties and cities of this Commonwealth as follows, viz :

1. To the First District twelve Representatives, viz: to the counties of Hickman and Fulton one, Ballard one, McCracken one, Graves one, Calloway one, Marshall and Lyon one, Caldwell one, Webster one, Crittenden and Livingston one, Trigg one, Union one, and Hopkins one. First District.

2. To the Second District twelve Representatives, viz: to the county of Christian one, Muhlenburg one, Henderson one, Daviess two, Hancock one, Ohio one, Breckinridge one, Meade one, Grayson one, McLean one, Butler and Edmonson one. Second District.

3. To the Third District nine Representatives, viz: to the county of Todd one, Logan one, Simpson one, Warren two, Allen one, Monroe and Metcalfe one, Barren one, and Hart one. Third District.

4. To the Fourth District eight Representatives, viz: to the county of Adair one, Green and Taylor one, Wayne one, Cumberland and Clinton one, Pulaski one, Casey and Russell one, Boyle one, and Lincoln one. Fourth District.

5. To the Fifth District eight Representatives, viz: to the county of Hardin one, Larue one, Marion one, Bullitt and Spencer one, Washington one, Nelson one, Mercer one, and Anderson one. Fifth District.

6. To the Sixth District nine Representatives, viz: to the county of Madison one, Garrard one, Laurel and Rockcastle one, Estill and Lee one, Clay, Jackson, and Owsley one, Knox and Whitley one, Harlan, Perry, and Bell one, Floyd and Johnson one, Pike, Martin, and Letcher one. Sixth District.

7. To the Seventh District twelve Representatives, viz: to the county of Shelby one, Henry one, Trimble and Oldham one, Carroll one, Jefferson one, the city of Louisville, seven, to-wit: to the First Ward one, the Second and Third Wards one, the Fourth and Fifth Wards one, Sixth and Seventh Wards one, the Eighth and Ninth Wards one, the Tenth Ward one, the Eleventh and Twelfth Wards one. Seventh District.

8. To the Eighth District eight Representatives, viz: to the county of Bourbon one, Scott one, Owen one, Franklin one, Woodford one, Jessamine one, Fayette county, outside of the corporate limits of the city of Lexington, one, and the city of Lexington, within its corporate limits, one. Eighth District.

9. To the Ninth District nine Representatives, viz: to the county of Clark one, Montgomery, Powell, Wolfe, and Menifee one, Bath and Rowan one, Lewis one, Fleming one, Greenup one, Elliott and Carter one, Boyd and Lawrence one, and Morgan, Magoffin, and Breathitt one. Ninth District.

1874.

Tenth District.

10. To the Tenth District thirteen Representatives, viz: to the county of Mason one, Bracken one, Nicholas and Robertson one, Harrison one, Pendleton one, Campbell two, Kenton one, the First, Second, Third, Sixth, and Ninth Wards of the city of Covington one, and the Fourth, Fifth, Seventh, and Eighth Wards of said city one, Grant one, Gallatin one, and Boone one.

Senators.

§ 2. That representation from the Senate shall be apportioned among the counties and cities of this Commonwealth as follows, to-wit:

First.

1. The First District shall be composed of the counties of Hickman, Fulton, and Graves.

Second.

2. The Second District of the counties of McCracken, Ballard, and Marshall.

Third.

3. The Third District of the counties of Lyon, Livingston, Calloway, and Trigg.

Fourth.

4. The Fourth District of the counties of Caldwell, Crittenden, and Webster.

Fifth.

5. The Fifth District of the counties of Henderson and Union.

Sixth.

6. The Sixth District of the counties of Christian and Hopkins.

Seventh.

7. The Seventh District of the counties of Daviess and McLean.

Eighth.

8. The Eighth District of the counties of Muhlenburg, Ohio, and Butler.

Ninth.

9. The Ninth District of the counties of Logan, Simpson, and Todd.

Tenth.

10. The Tenth District of the counties of Breckinridge, Hancock, Edmonson, and Grayson.

Eleventh.

11. The Eleventh District of the counties of Warren and Allen.

Twelfth.

12. The Twelfth District of the counties of Hardin, Meade, and Bullitt.

Thirteenth.

13. The Thirteenth District of the counties of Hart, Larue, and Green.

Fourteenth.

14. The Fourteenth District of the counties of Spencer, Nelson, and Shelby.

Fifteenth.

15. The Fifteenth District of the counties of Marion, Washington, and Taylor.

Sixteenth.

16. The Sixteenth District of the counties of Clinton, Cumberland, Adair, Russell, and Wayne.

Seventeenth.

17. The Seventeenth District of the counties of Laurel, Pulaski, Whitley, Bell, Knox, and Jackson.

Eighteenth.

18. The Eighteenth District of the counties of Lincoln, Boyle, Garrard, and Casey.

Nineteenth.

19. The Nineteenth District of the counties of Barren, Metcalfe, and Monroe.

Twentieth.

20. The Twentieth District of the counties of Anderson, Franklin, and Mercer.

Twenty-first.

21. The Twenty-first District of the counties of Henry, Oldham, Trimble, and Carroll.

Twenty-second.

22. The Twenty-second District of the counties of Woodford, Scott, and Jessamine.

23. The Twenty-third District of the counties of Gallatin, Boone, and Owen. 1874. *Twenty-third.
24. The Twenty-fourth District of the county of Kenton. Twenty-fourth.
25. The Twenty-fifth District of the county of Campbell. Twenty-fifth.
26. The Twenty-sixth District of the counties of Bracken, Pendleton, and Grant. Twenty-sixth.
27. The Twenty-seventh District of the county of Fayette. Twenty-seventh.
28. The Twenty-eighth District of the counties of Bourbon, Clark, and Montgomery. Twenty-eighth.
29. The Twenty-ninth District of the counties of Madison, Estill, and Rockcastle. Twenty-ninth.
30. The Thirtieth District of the counties of Nicholas, Harrison, and Robertson. Thirtieth.
31. The Thirty-first District of the counties of Mason and Lewis. Thirty-first.
32. The Thirty-second District of the counties of Boyd, Greenup, Lawrence, and Elliott. Thirty-second.
33. The Thirty-third District of the counties of Perry, Letcher, Clay, Harlan, Floyd, Pike, and Martin. Thirty-third.
34. The Thirty-fourth District of the counties of Magoffin, Breathitt, Johnson, Menifee, Morgan, Wolfe, Owsley, Powell, and Lee. Thirty-fourth.
35. The Thirty-fifth District of the counties of Rowan, Bath, Fleming, and Carter. Thirty-fifth.
36. The Thirty-sixth District of the counties of Jefferson and the First and Second Wards of the city of Louisville. Thirty-sixth.
37. The Thirty-seventh District of the Third, Fourth, Fifth, Sixth, and Seventh Wards of the city of Louisville. Thirty-seventh.
38. The Thirty-eighth District of the Eighth, Ninth, Tenth, Eleventh, and Twelfth Wards of the city of Louisville. Thirty-eighth.
- § 3. If any new county should be established before the next apportionment of representation, it shall, for the purpose of representation, be considered as part or parts of the county or counties from which it may be taken. New counties.
- § 4. The districts mentioned in section two of this act shall elect one Senator each, as follows, to-wit: The First, Second, Third, Fourth, Fifth, Ninth, Eleventh, Sixteenth, Seventeenth, Nineteenth, Twenty-second, Twenty-sixth, Thirtieth, Thirty-third, Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, and Thirty-eighth, at the regular election in August, 1875; and the Sixth, Seventh, Eighth, Tenth, Twelfth, Thirteenth, Fourteenth, Fifteenth, Eighteenth, Twentieth, Twenty-first, Twenty-third, Twenty-fourth, Twenty-fifth, Twenty-seventh, Twenty-eighth, Twenty-ninth, Thirty-first, and Thirty-second, at the regular election in August, 1877. Time of electing Senators.
- § 5. This act shall take effect from its passage.

Approved February 19, 1874.

1874.

CHAPTER 344.

AN ACT to facilitate the collection of county levies and other county taxes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See General Statutes, page 730.

When there are no bidders at sales for taxes, sheriff in same for State or county.

§ 1. That so much of the provisions of article eight of chapter ninety-two of the General Statutes, entitled "Sale of Land for Taxes;" and also so much of said article, entitled "Sheriff to List Property Omitted by Assessor," is hereby made applicable to county levies and all other county taxes; and if no person will bid for and purchase said land, or so much thereof as may be levied on for county dues alone, at the price of the taxes due and costs of sale, it shall be the duty of the sheriff or collector to purchase the same for the county, bidding therefor the amount of the levies and taxes due, and the costs of the sale. If the land be levied on both for taxes due the State and for levies or taxes, or both, due the county, the sheriff or collector, when no other bidder can be had for the whole amount due and costs of sale, may, in his discretion, bid off and purchase the same at the price of said amount and costs, for the county, or he may bid off and purchase the same for the State, at the price of the taxes due the State and the costs of sale. All such sales shall be made on a county court day, and advertised at least fifteen days before the day of sale; and shall be advertised in some newspaper, if one be published in the county.

Five per cent. to be added if tax is not paid by first of April.

§ 2. Any person failing to pay their county levies or other taxes, legally imposed by the county court, by the first day of April in the year following the assessment of such levies or other taxes, shall pay five per cent. additional on the sums so due and unpaid. The sheriff or collector, and their sureties, shall incur the same liabilities for the additional sums and taxes, whereon such five per cent. may accrue.

§ 3. This act shall take effect from and after its passage, and shall apply to county taxes already due.

Approved February 20, 1874.

CHAPTER 357.

AN ACT to amend section five, article five, chapter twenty-eight, of the General Statutes, title "Courts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Caldwell county court—time for holding changed.

§ 1. That section five of article five, chapter twenty-eight, of the General Statutes, be, and the same is hereby, so amended that the terms of the circuit court in and for Caldwell county shall begin on the fourth Mondays in April and October, instead of the times now prescribed by law, and each term shall continue twenty-four juridical days, if the business of the court shall require it.

§ 2. This act shall take effect from and after the first day of 1874.
July, 1874.

Approved February 20, 1874.

CHAPTER 370.

AN ACT to establish a criminal court in the Eleventh Judicial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a court of justice in and for the Eleventh Judicial District, in this Commonwealth, which shall be known as the Criminal Court for the Eleventh Judicial District; to be a court of record, held by a single judge, who shall have the same qualifications and receive the same salary as the circuit judges of this Commonwealth, which shall be paid him from the State Treasury in like manner. He shall be a conservator of the peace, and have and exercise all the powers of a circuit judge in criminal and penal cases, issuing and receiving the returns, and hearing writs of *habeas corpus*; be commissioned and sworn as circuit judges are, and be subject to impeachment and removal in like manner and for like causes.

Criminal court established for the 11th judicial district.

Judge's salary, jurisdiction, &c., &c.

§ 2. The judge shall be elected at the August election, eighteen hundred and seventy-four, and continue in office six years. Vacancies shall be filled in the office of said judge as is provided for circuit courts, and the same practice and fees, as far as applicable, shall prevail in said court as in circuit courts; and said court shall have a seal bearing its name and the arms of the Commonwealth.

Time of electing judge, &c.

§ 3. The sheriffs, jailers, coroners, and other ministerial officers of said district, shall perform all the duties, in all cases and proceedings in said court, which would otherwise devolve upon them in the circuit court, and they shall be entitled to the same fees therefor; and they and their sureties shall be responsible on their official bonds for their acts in said court. The clerks of the circuit courts in the several counties in said district shall perform all the clerical duties of said court, and shall style themselves the clerks of the criminal court for the county in which each of them may be circuit court clerk, and shall be allowed the same fees as they are entitled to for similar services in the circuit court, and shall be, with their sureties, responsible on their bonds for the faithful discharge of their duties herein. Immediately after the first day of August, eighteen hundred and seventy-four, said clerks shall, without fee, transfer all criminal and penal causes from the docket of the circuit court to the docket of the criminal court in each county, which causes shall thereafter be disposed of in said criminal court, and said circuit court shall no longer have cognizance of any criminal or penal causes, or plea of the Commonwealth, in said district.

Sheriffs, &c., to perform same services as required in circuit court, and receive like fees.

Clerks—their fees, &c.

1874.

Jurisdiction.

§ 4. The said criminal court shall have all the jurisdiction in criminal and penal causes and proceedings which the circuit courts have, and which may be conferred upon said courts, and it shall take the place of the circuit courts in the counties of said district in such jurisdiction; and it shall also have concurrent jurisdiction with the circuit court in inquests of lunacy and idiocy, and exclusive of the circuit court in allowing claims connected with the business of said criminal court.

Time of holding courts.

§ 5. The regular terms of said criminal court shall be held as follows, namely:

Franklin.

In the county of Franklin in Frankfort, commencing on the first Mondays in March, September, and December, to continue twelve juridical days each.

Trimble.

In the county of Trimble at Bedford, on the third Mondays in March and September, to continue twelve juridical days each.

Henry.

In the county of Henry at New Castle, on the third Mondays in April and October, to continue twelve juridical days each.

Boone.

In the county of Boone at Burlington, on the first Mondays in April and October, to continue twelve juridical days each.

Owen.

In the county of Owen at Owenton, on the fourth Mondays in January and first Mondays in July, to continue twelve juridical days each.

Grant.

In the county of Grant at Williamstown, on the first Mondays in May and November, to continue twelve juridical days each.

Carroll.

In the county of Carroll at Carrollton, on the third Mondays in May and November, continuing twelve days each.

Gallatin.

In Gallatin county at Warsaw, on the first Mondays in June and third Mondays in December, continuing twelve days each.

Court authorized to extend term or call special term.

§ 6. The said court shall extend any of its terms, if the business shall require it, by making an order to that effect on the record at a regular term while in session: *Provided*, Said extension may not interfere with the regular terms in another county; and the court or judge may appoint special terms for any business of the court in the same manner that circuit courts or judges may appoint special terms of such courts. The said criminal court shall have full power to make all proper rules and regulations to facilitate its business, not inconsistent with the Constitution and laws of the State, and its judgments and final orders shall be subject to appeals in like manner as those of circuit courts; and it shall have full power to attach for and punish contempts of its authority. The Commonwealth's attorney for said district shall attend each term of said court, and represent the Commonwealth, and discharge all the duties, and be entitled to the same compensation, as now provided by law for attending circuit courts.

Appeals.

Commonwealth's Attorney—his duties & compensation.

Jurors to be summoned and bail bonds, &c., &c., to be made returnable to this court.

§ 7. In the selection and summoning jurors in the trials by jury, and payment of jurors in said court, the same shall be governed by the laws at the date applicable to circuit courts. The circuit courts in said district, at the term in each county

next preceding the time that this act takes effect, shall cause jurors to be selected in the manner required by law for the first term of the criminal court in such county; and make all bail bonds and recognizances, taken at such term of the circuit court, returnable for the appearance of the party bound to appear at such first term of the criminal court; and all magistrates and examining courts in each county shall, after this act takes effect, make all bail and peace bonds and recognizances returnable to the criminal court for such county.

1874.

§ 8. Special judges for said criminal court may be elected for the same causes, and in the same manner, as in the circuit courts, and the provisions of the law in relation to record books, presses, seals, stationery, and other expenses in circuit courts, shall be applicable to this court.

Special judges.

Expenses of court.

§ 9. All reports and returns required to be made to the circuit court by circuit court clerks, county clerks, county judges, police judges, justices of the peace, sheriffs, marshals, constables, and all civil officers and other persons having fines and forfeitures or other funds in their hands belonging to the jury fund, shall be made exclusively to the criminal court, and all the powers and duties of the circuit court respecting the same are hereby transferred exclusively to the criminal court.

All reports, &c., required to be made by circuit court clerks, &c., to circuit court, to be made to criminal court.

§ 10. Nothing herein shall be so construed as to take from the circuit court the power to make provision for the payment of the jurors of the circuit court.

Payment of jurors of circuit court.

§ 11. The judge of the circuit court in the eleventh judicial district may hold the criminal court in the counties aforementioned, or preside for the trial of any action pending therein, if the judge of the criminal court be absent or cannot preside from any cause. In case neither the regular judge nor circuit judge is present, or, if present, cannot properly preside, an election of a special judge may be held in the manner prescribed by law for the election of a special judge in the circuit courts; and the law in relation to compensation of a special judge in the circuit court shall apply to the case of a special judge in this court. The criminal judge may also preside in the circuit court as judge or chancellor, whenever the regular circuit judge is absent or cannot preside.

Special judge.

When judge of criminal court to preside over circuit court.

§ 12. All laws within the purview of this act, and inconsistent herewith, are repealed, after this act goes into effect, which shall be on the first Monday in August next, and continue in force six years.

Approved February 20, 1874.

1874.

CHAPTER 386.

AN ACT to amend article one of chapter fifty-nine of the General Statutes, and to repeal an act, entitled "An act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property," approved March 21st, 1870, and the acts amendatory thereto, severally approved February 24th, 1873, and March 8th, 1873, and further regulate the inspection and gauging burning fluids.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Oils, &c., to be inspected before sold.

§ 1. That all oils and fluids, the product of coal, petroleum, or other bituminous substances, by whatever name called, which may or can be used for illuminating purposes, manufactured in this State or brought into it, before the same is consumed, used, or sold to merchants or consumers within this State, shall be inspected by an authorized inspector of this State.

Judge of county court to appoint inspector—duration of office, &c.

§ 2. The judge of the county court of each county of this State may appoint an inspector in their respective counties to carry out the provisions of this law. The inspector shall remain in office until removed by the court for misconduct, negligence, or incompetency, and shall take an oath faithfully and to the best of his ability to discharge the duties of his office. An inspector may appoint an assistant or deputy, who may perform, under his direction and for such time as he may designate, any and all the duties of an inspector under this act.

Inspector to use the standard instruments for inspecting.

§ 3. An inspector, in the performance of his duties, shall use the standard instruments in use for that purpose, and shall test all oils as follows:

The mode and manner of testing same.

First. The water cup should have sufficient water in it to rise two thirds up the side of the oil cup.

Second. Fill the oil cup with oil to be tested to within one eighth of an inch of the top.

Third. Suspend the thermometer so the bulb is just under the surface of the oil.

Fourth. Use an alcohol lamp to heat the water-bath, and before placing the light under the water cup, test the oil in the oil cup by bringing a lighted match in contact with the surface of the oil. If it does not ignite, place the lamp under the water cup, and slowly heat the oil, not slower than one degree of the thermometer in a minute, nor faster than two degrees of the thermometer in a minute, moving a lighted match across the surface of the oil at each degree the thermometer rises, not more than three eighths of an inch from the surface of the oil. If the oil should flash, that is, a little gas burn on the surface, and go out again, remove the lamp, and as soon as the thermometer ceases to rise, test the oil; and should it not ignite, replace the lamp, and test the oil each degree the thermometer rises till the oil ignites or permanently burns. As soon as the oil ignites or permanently burns, the degree indicated by the thermometer is the *fire test* of the oil. The flame moved across the surface of the oil should not exceed that of an ordinary match.

§ 4. All oils and fluids specified in section one of this act that ignite or permanently burn at a temperature of one hundred and thirty degrees Fahrenheit and upwards, shall be approved by the inspector; and the barrels, casks, or packages containing the same shall be branded or marked by him with his name, official character, and the words "*standard oil*;" and all oils and fluids aforesaid that ignite or permanently burn at a less temperature than one hundred and thirty degrees Fahrenheit shall be condemned by the inspector, and the barrels, casks, or packages containing the same shall be branded or marked by him with his name, official character, and the words "*unsafe for illuminating purposes*."

1874.

Oil to burn at 130 degrees Fahrenheit to be approved.

§ 5. If any person or persons in this State shall use or sell to merchants or consumers within this State any of the oils or fluids specified in section one of this act, without first having the same inspected by an authorized inspector of this State, and the barrels, casks, or packages containing the same branded or marked by him as provided in section four of this act, said person or persons so offending shall be punished by fine of twenty dollars for each barrel, cask, or package of oils or fluids aforesaid so used or sold to merchants or consumers within this State without same being inspected and branded. Five per cent. of the penalty recovered shall go to the inspector in lieu of his fees, and the balance to the State.

Penalty for selling to merchants or consumers.

§ 6. If any person or persons in this State shall sell or offer to sell, to be consumed or used in this State for illuminating purposes, any of the oils or fluids specified in section one of this act, that will ignite or permanently burn at a temperature less than one hundred and thirty degrees Fahrenheit, or shall sell or offer for sale, to be consumed in this State for illuminating purposes, any of the oils and fluids aforesaid which have been condemned by an authorized inspector of this State, and the barrels, casks, or packages containing the same been branded or marked by him "*unsafe for illuminating purposes*," the person or persons so offending shall be guilty of a misdemeanor, and, on conviction, be punished by a fine not exceeding five hundred dollars, and the oils and fluids be forfeited and sold, and the proceeds go to the State.

Penalty for selling to be used or consumed in this State.

§ 7. Any dealer in, or manufacturer of, oils or fluids specified in section one of this act, who shall refuse to admit an inspector or his deputy upon his premises, so far as it may be necessary for the performance of his duties, or shall obstruct an inspector or his deputy in the performance of his duties, shall, for each refusal to admit on his premises or obstruction offered to inspection, be fined for each offense not less than twenty dollars nor exceeding fifty dollars.

Penalty for refusing to let inspector do his duty.

§ 8. The word "*manufacture*," as used in this act, shall mean, besides distillation by the usual process, also any mixing of oils and fluids of different fire tests by which the fire test of the oils or fluids so mixed is changed.

§ 9. The inspector shall receive as compensation for all oils or fluids aforesaid tested by him ten cents a barrel, to be paid by the party for whom his services shall be rendered.

1874.

Inspector to be
gauger of liquors,
&c., &c.

§ 10. The inspector of oils and fluids shall, *ex-officio*, be gauger of liquors, oils, molasses, syrups, and other liquids, and in the performance of his duties shall use the standard instruments in use for that purpose; and he shall brand or mark all barrels or casks gauged by him with his name, official character, and the capacity of the package, and shall have the following fees, to be paid by the party for whom his services shall be rendered:

Fees of inspector
and gauger.

For gauging (including proving, when necessary) whisky, oils, molasses, or syrups, a barrel or cask, seven and a half cents; and for a single barrel of each, fifteen cents.

For gauging varnishes and turpentine, fifteen cents a barrel, pipe or half pipe.

For ullaging separate from gauging, five cents a barrel.

For proving without gauging, five cents a barrel.

For gauging any liquids not named, same as whisky.

For removing the bungs from barrels of oils, the product of coal, petroleum, or other bituminous substance, and replacing with new bungs, five cents for each barrel or cask: *Provided*. The owner may remove and replace the bungs without any charge by the inspector.

Inspectors under
old law to con-
tinue in office.

§ 11. All inspectors of oils and fluids now in office under the law repealed shall continue in office under this act, the same as if appointed under it after its passage.

§ 12. That so much of article one of chapter fifty-nine of the General Statutes that relates to oils, the product of coal, petroleum, or well oil, and all of an act to regulate the sale and storage of oils made from coal, petroleum, or other bituminous substances, and for the better protection of life and property, approved March 21, 1870, and the acts amendatory to the same, approved severally February 24, 1873, and March 8, 1873, be, and the same are hereby, repealed.

§ 13. The above act shall take effect sixty days from and after its passage.

Approved February 21, 1874.

CHAPTER 388.

AN ACT for the benefit of the Deaf and Dumb Asylum at Danville.

WHEREAS, Doubts exist as to whether or not the General Statutes leaves unrepealed the several laws of this Commonwealth making appropriations to the Deaf and Dumb Asylum at Danville; therefore, to remove said doubt,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Deaf and Dumb
Asylum at Dan-
ville—appropriation
rendered certain.

§ 1. That the acts of February 21, 1850, January 7, 1852, February 18, 1854, and February 12, 1866, making provision for the support of the Deaf and Dumb Asylum at Danville, be, and they are hereby declared to be, in full force, and not repealed by the General Statutes, and the Auditor of Public

Accounts is directed to draw his warrants under said acts as he would have done had no doubts arisen as to effect of the General Statutes upon them.

1874.

§ 2. This act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 411.

AN ACT to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls," approved April 15th, 1873, be, and the same is hereby, so amended as to apply the provisions of said act to the counties of Garrard, Fayette, Franklin, Warren, Campbell, Elliott, Lincoln, Larue, Rockcastle, Pulaski, Knox, Jessamine, Graves, Jefferson, Mercer, Estill, Christian, Meade, Gallatin, Grant, Oldham, Breckinridge, Logan, Todd, and Henry.

See Public Acts of adjourned session of 1871-2, page 41.

§ 2. This act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 415.

AN ACT to regulate the sale of medicines and poisons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, unless a registered pharmacist, or registered assistant pharmacist in the employ of a registered pharmacist, or unless acting as an aid under the immediate supervision of a registered pharmacist, or a registered assistant pharmacist, within the meaning of this act, to retail, compound, or dispense medicines or poisons, except as hereinafter provided.

Unlawful for certain persons to sell poisons and medicines.

§ 2. Any person, in order to be a registered pharmacist or a registered assistant pharmacist, in the meaning of this act, shall be either a graduate in pharmacy, a practicing pharmacist, or a practicing assistant in pharmacy. Graduates in pharmacy shall be such as have obtained a diploma from a regularly incorporated college of pharmacy. Practicing pharmacists shall be such persons as, at or prior to the passage of this act, have kept, and continue to keep, open shops for compounding and dispensing the prescriptions of medical practitioners, and for the retailing of drugs and medicines, and who shall have declared their intentions, in writing, of keeping open shops for the compounding of prescriptions of medical practitioners and the retailing of drugs and medicines, and

Qualifications necessary to become a pharmacist.

1874.

To pass examination before State Board.

Qualifications of practicing assistants in pharmacy.

State Board of Pharmacy to consist of ten, and how appointed.

Four to constitute a quorum.

Board to meet twice a year.

Secretary of board.

Registrar and his duties.

Applicants to pay \$5.

all other persons who, after the passage of this act, shall have declared their intentions, in writing, to open a shop for compounding and dispensing the prescriptions of medical practitioners and for retailing of drugs and medicines, and shall have passed a satisfactory examination before the State Board of Pharmacy. Practicing assistants in pharmacy shall be such persons as shall have served five years, immediately preceding the passage of this act, in a shop or shops where the prescriptions of medical practitioners are compounded, and such other persons as have served three years' apprenticeship in a shop or shops where the prescriptions of medical practitioners are compounded, and shall have passed a satisfactory examination before the State Board of Pharmacy.

§ 3. The State Board of Pharmacy shall consist of seven persons, and, immediately after the passage of this act, the Governor shall appoint, from among the most skillful pharmacists of the State, the first Board of Pharmacy; and on the first day of July of every third year thereafter, the Governor shall appoint the State Board of Pharmacy from the registered pharmacists of the State, the Louisville College of Pharmacy to recommend to the Governor ten persons, members of said College of Pharmacy, four of whom shall be appointed on the State Board of Pharmacy. All vacancies by death, resignation, or removal from the State, shall be filled by the board from the registered pharmacists of the State.

§ 4. Four members of said board shall constitute a quorum. Said board shall organize by the election of a president and secretary, both of whom shall sign all certificates and other official documents. Said board shall meet twice a year, on the fifteenth day of January and on the fifteenth day of July, and shall have power to make by-laws and all necessary regulations for the proper fulfillment of their duties under this act. The secretary of said board shall also be registrar of pharmacists. The duties of said board shall be to examine all applicants for registration, to direct the registration by the registrar of all persons properly qualified or entitled thereto, and report annually to the General Assembly on the condition of pharmacy, together with the names of all registered pharmacists and assistant pharmacists.

§ 5. The duties of the registrar of pharmacists shall be to keep a book in which shall be entered, under the supervision of the State Board of Pharmacy, the name and place of business of every person who shall apply for registration. It shall also be the duty of the registrar to duly note the fact against the name of any registered pharmacist or assistant pharmacist who may have died or removed from the State or disposed of or relinquished his business, and to make all necessary alterations in the location of persons registered under this act.

§ 6. Every person applying for examination and registration under this act shall pay to the State Board of Pharmacy five dollars, and, on passing the examination required, shall be furnished, free of expense, with a certificate of registration. Any registered assistant pharmacist may, with the

consent of said board, be entitled to registration as a registered pharmacist, and shall be furnished with a certificate of registration, for which certificate he shall pay the registrar one dollar. Every registered pharmacist and registered assistant pharmacist shall be furnished, by the registrar of pharmacists, with a renewal certificate annually, for which renewal certificate he shall pay one dollar.

1874.

§ 7. Any person not a registered pharmacist, who shall, after the passage of this act, keep open shop for the retailing of medicines and poisons, or who shall take, use, or exhibit the title of registered pharmacist, or any person who shall violate any of the provisions of this act, shall, upon the first conviction, be sentenced to pay a fine of fifty dollars, and upon the second and every subsequent conviction, shall be sentenced to pay a fine of one hundred dollars.

Penalty.

§ 8. The fees received for examination, registration, and certificates, and renewal certificates, and all fines under this act, shall be appropriated to defray the expenses of the State Board of Pharmacy.

Fees to be appropriated to pay expenses of State Board.

§ 9. This act shall not apply to any town or city of less than five thousand inhabitants.

§ 10. Nothing in this act shall be construed to apply to any practitioner of medicine who does not keep open shop for compounding and dispensing medicines; nor shall it interfere with the making and dealing in proprietary medicines (popularly called patent medicines).

Not to apply to practitioner of medicine.

§ 11. This act to take effect on and after its passage.

Approved February 21, 1874.

CHAPTER 419.

AN ACT to amend chapter eighty-four of the General Statutes, title "Peddlers."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter eighty-four of the General Statutes, title "Peddlers," be, and the same is hereby, so amended that itinerant persons, who are citizens of this State, and who vend exclusively goods, wares, and merchandise, which are the growth, product, or manufacture of this State, shall not be deemed peddlers, nor required to take out license under the provisions of said chapter.

Peddlers who are citizens of this State can sell goods manufactured in this State without license.

§ 2. This act shall take effect from its passage.

Approved February 21, 1874.

1874.

CHAPTER 420.

AN ACT to amend an act, entitled "An act to regulate the taking up of property found adrift upon certain rivers in this Commonwealth."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Rate of pay for
catching boats,
&c., on the Big
i

§ 1. That section first of said act, approved March 22, 1873, be so amended as to allow the taker-up of boats, vessels, water-crafts, etc., the following compensation: For each steam-boat, twenty dollars; for each horse-boat, six dollars; for each flat-boat, if full or more than half loaded, fifteen dollars; if half or less than half loaded, ten dollars; and if unloaded, five dollars; for each barge or keel-boat, loaded in whole or in part, ten dollars; if unloaded, five dollars; for each wood-flat, three dollars; for each ferry-flat, two dollars; for each skiff, canoe, or pirogue, seventy-five cents. The taker-up shall also be allowed a reasonable compensation for taking care of said vessels, not exceeding two dollars per day for each steamboat; for each horse-boat, flat-boat, and ferry-boat, twenty-five cents per day; for each barge or keel-boat, one dollar per day; for each skiff, canoe, or pirogue, five cents per day.

§ 2. That so much of section third as prohibits the taker-up from receiving any compensation for taking up property, in consequence of the same getting aground, be so amended as not to apply to loose logs: *Provided, however,* That the taker-up keep such loose logs in such a condition that they can be easily put afloat.

§ 3. The provisions of this act shall only apply to the Big Sandy river.

§ 4. This act shall take effect from its passage.

Approved February 21, 1874.

CHAPTER 422.

AN ACT to amend the charter of the Cumberland and Ohio Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boards of trustees
of certain towns to
authorize the lo-
cation of the Cum-
berland and Ohio
Railroad through
their town.

Compensation for
damage to owner
of property.

§ 1. That the city councils of cities, and boards of trustees of towns, along the line of the Cumberland and Ohio Railroad Company, be, and they are hereby, empowered to authorize the location and construction of the said railroad in and along the streets of their respective cities and towns: *Provided, however,* That said company shall be responsible to any person or persons, who may be injured thereby, in the mode and manner now provided by law in similar cases, where it is sought to condemn and appropriate private property to railroad purposes.

§ 2. That this act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 442.

1874.

AN ACT to amend chapter eighty-five of the General Statutes, title "Penitentiary."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the rent for the Penitentiary and all its machinery and property shall be (\$12,000) twelve thousand dollars, instead of (\$8,000) eight thousand dollars per annum, as now fixed by law.

§ 2. This act shall take effect the first day of March, 1875.

Approved February 23, 1874.

CHAPTER 443.

AN ACT to amend chapter ninety-two, title "Revenue and Taxation," General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter each voting precinct in the several counties, cities, and towns in this Commonwealth shall, for the purpose of assessing taxes by the assessors of taxes, be and constitute a revenue district.

Voting precincts to constitute revenue district.

§ 2. *Be it further enacted,* That each assessor, after his election and qualification to office, shall, on the 10th day of January in each succeeding year thereafter during his term of office, proceed to assess the property liable to taxation in his county, city, or ward, as the case may be, as required by law; and to this end it shall be his duty to commence at some corner or outside point of some one of his districts or wards, and assess the property in rotation as it joins or lies contiguous to property just assessed or about to be assessed; and he shall proceed in some regular manner until he shall have made the circuit of such district or ward, and assessed all the property and polls in said district or ward subject to taxation in that district or ward, in a separate book, and he shall proceed in the same way with each district or ward until he shall have assessed all the property and polls in the county, town, or city subject to taxation. Said assessor shall see each lot, tract, or parcel of land, or otherwise obtain satisfactory information in regard thereto, and shall enter each assessment in the precinct or ward where the tax-payer resides or in which the land or town lot is situated, in a separate book, to be furnished to him for that purpose by the Auditor of Public Accounts.

Duties of assessor under this act.

§ 3. *Be it further enacted,* For the more convenient and efficient assessment of taxes, it shall be the duty of the Governor, Auditor, and Attorney General to prescribe a form of blanks for assessment, to be furnished by the tax assessor to each tax-payer, which blanks shall have proper headings so as to enable the tax-payer to furnish a complete list or schedule of all his taxable estate, real, personal, and mixed,

Blank forms to be prescribed by Governor, Attorney General, and Auditor.

1874.

Assessor to read oath to tax-payer & make him subscribe a full schedule of his taxable property.

Assessor to return schedule to county court.

Fiduciaries to make separate returns.

When persons fail to comply with law, duty of assessor to make out the list from the best information he can get.

with a fair description of his lands and town lots, and the value of all his taxable property; upon which blanks shall be printed the questions which the tax assessor shall ask each tax-payer; and upon which blanks shall also be printed the oath that is required to be taken by each tax-payer; and they may make any changes in the blanks now furnished as to them may seem advisable; and it shall be the duty of the assessor, after the tax-payer has given in his list of taxable property and filled up the blanks, and made a full schedule of his taxable property and the value of the same, and has answered all the questions propounded to him by the assessor, to then read over to the tax-payer the oath appended to said list (which shall be the oath now prescribed by law), and the tax-payer shall take and subscribe the same before the assessor, and he shall attest the same; and thereupon said assessor shall, from said schedule so made out and sworn to, make and enter upon his assessment-book said assessment, unless he has good and sufficient cause to doubt the correctness of the statement of said tax-payer; in which case he shall thoroughly investigate the matter, and make such assessment as the facts may warrant; and it shall be his duty to return with his tax-books, to the county court clerk, all of said schedules or lists, which shall be filed by the clerk of the county court in his office, and carefully preserve the same for the inspection of the county court, the grand jury, or any person claiming a right to examine them.

§ 4. *Be it further enacted*, That all persons acting as executors, administrators, guardians, trustees, agents, attorneys, or in any other fiduciary capacity whatever, shall make a return of all the property, money, credits, and effects held by them, in any or either of said capacities, separate from their individual returns; and if in more than one fiduciary capacity, they shall return each separately, and the same shall be listed separately for taxation.

§ 5. *Be it further enacted*, That in all cases where any person, company, firm, or corporation shall, after being furnished with one of the blanks as herein provided for, and has been requested by the assessor to furnish a schedule or list of all his taxable estate, and the value thereof, willfully fail, neglect, or refuse to do so, or to aid the assessor in doing so by giving him the list to be put in said blank, or if said tax-payer refuses to be sworn to said lists as required by this act, and the act to which this is an amendment, it shall then be the duty of the assessor to make such assessment in every such case himself from the best information he can obtain; and he shall, at the time he returns his tax, also return the names of all the persons, companies, firms, and corporations who have so failed to furnish or to be sworn to said list; and such delinquents shall be proceeded against and punished as prescribed in section twenty-two of article five of chapter ninety-two of the General Statutes.

§ 6. *Be it further enacted*, That if the assessor shall discover any property, subject to taxation in his county, which belongs to any non-resident, and no one appears before him to list the same for taxation, he shall ascertain the value of said property, whether real, personal, or mixed, and the name of the owner, if he can, and list the same for taxation at its value, unless he can notify the owner, and warn him to appear before him to list the same, or cause the same to be done; but if the owner, after being duly notified, fails or refuses to list said property, or cause the same to be done, then the assessor shall list the same (and shall add twenty-five per centum to the value, as a penalty for such refusal.)

1874.

How property of non-resident to be listed.

§ 7. *Be it further enacted*, The assessor shall complete his work and make return of his books and all of said lists and schedules, as herein provided, within the time now prescribed by law.

When assessor to return his books.

§ 8. *Be it further enacted*, After the Governor, Auditor, and Attorney General shall have agreed upon a form of blanks to be used by the assessor, and to be furnished to the tax-payers, the Auditor shall cause the same to be printed by the Public Printer, and forward them with the other blanks, as now required by law, to the clerks of the several county courts in this State; and he shall furnish the same to the several assessors of taxes, who shall furnish one to each tax-payer, as herein provided.

Auditor to cause blanks to be printed by Public Printer, and forward them with other blanks as required by law.

§ 9. *Be it further enacted*, If any person shall conceive himself aggrieved by any assessment, he shall present the matter to the board of supervisors of his county, by petition or otherwise, who shall hear all the evidence touching the matter, and make such changes in the assessment as to them may seem just; and said board shall have all the power to equalize the taxation in their county as they now have by law.

Person aggrieved can appeal to board of supervisors.

§ 10. *Be it further enacted*, The county court, composed of the county court judge and the justices of the peace in every county in this State, shall, at the court of claims in their county, held in each year, appoint one discreet citizen and tax-payer, from each voting precinct in the county, a supervisor of tax of said county; and when they assemble, shall constitute a board of supervisors for said county, a majority of whom may act. They shall perform all the duties, and be subject to the same regulations, and receive the same compensation, as now provided by law: *Provided*, That no civil officer shall be eligible to be a supervisor of taxes for any voting precinct in any county in this State: *And provided further*, That if, from any cause, any person so appointed a supervisor by the court shall fail to attend, the county court judge and the supervisors present shall fill the vacancy by appointing some other person qualified to act from said precinct.

County court to appoint board of supervisors.

§ 11. *Be it further enacted*, The assessor shall be ineligible to the same office for the succeeding term after the expiration of the term for which he was elected and served as such.

§ 12. This act shall take effect from and after the first day of October next.

Approved February 23, 1874.

1874.

CHAPTER 448.

AN ACT to amend the law concerning the State Lunatic Asylums and persons of unsound mind.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See General Statutes, page 536.

Six months' board to be paid in advance by pay patients.

No married person to be deemed pauper, unless inquest shows that the husband or wife is insolvent.

Where patients who have been supported by asylum acquire estate, the board of commissioners authorized to sue for board.

Amount of compensation for board.

§ 1. That no patients, except those who are paupers, according to the provisions of section five, article two, chapter fifty-three, of the General Statutes, and of any amendments which may be made thereto, or who have been or may be sent to the asylum by order of the court upon an acquittal of crime on the ground of insanity, shall be received or retained in either of the lunatic asylums of this State, unless six months' board be always paid in advance, and board for the residue of the time they may remain in the asylum be secured by the obligation of one or more sufficient residents of this State; and the courts or officers shall make their orders for the committal of all patients (with the above exceptions) to the asylums, conditioned upon such prepayment being made and security given.

§ 2. No married person of unsound mind shall be held a pauper under the provisions of the aforesaid section of the General Statutes, unless it shall be found upon the inquest, in addition to the other facts required, that such person's husband or wife (as the case may be), if living, has not sufficient estate to support the person of unsound mind, besides supporting others who may be dependent on such husband or wife; and the court or officer holding the inquest shall require the jury to return a finding on this subject.

§ 3. Where patients, who have been or may be supported in either of said asylums, have or shall acquire estate which can be subjected to debt, the board of commissioners of such asylum is authorized and directed, in every such case, to sue for, in the name of the asylum, and recover the amount of such patient's board, at the rate of two hundred dollars a year, or so much thereof as such estate will suffice to pay, for the time they shall have been respectively kept and maintained therein, and not otherwise paid for, and by proper proceeding to subject their estates respectively to the payment thereof; and when the husband or parent of any such patient, who has been or may be supported in either asylum, shall have estate sufficient for the support of such patient, in addition to the support of any others who may be dependent on such husband or parent, the board of commissioners is authorized and directed, in like manner, to sue and recover from such husband the amount of his wife's board, and from such parent the amount of his or her child's board, at the rate aforesaid, for the time they shall have been respectively supported in such asylum.

§ 4. The commissioners of the several asylums may charge for the board of paying patients any sum, in their discretion, not exceeding four dollars per week; and where the estate of the patient warrants it, his committee may contract for his

receiving special comforts, and being exempt from work, at an additional rate not exceeding five dollars per week.

1874.

§ 5. The expense of the conveyance of pauper patients to the asylums shall be paid to the persons conveying them by warrant of the Auditor on the Treasurer of the State. The sum due for conveyance to be certified by the superintendent of the asylum to which the patient is carried.

How expense of conveying pauper patients to be paid.

§ 6. So much of the fourteenth section of the act, entitled "An act concerning the various charitable institutions of this State," approved April 21st, 1873, as requires the steward of each asylum to take receipts from the president for all supplies furnished for the asylum from the farm and garden, be, and the same is hereby, repealed; and in lieu thereof, it shall be his duty to present monthly to the secretary a written statement of the amount of the several supplies so furnished, and of their market value, verified by certificates from the officers through whose hands they have passed, which statement shall be entered on the books of the secretary and steward, and filed and kept by the latter in his office, in lieu of the president's receipts.

Clause which requires steward to take receipt of president for supplies repealed, &c.

§ 7. The salary of the Steward of the Fourth Lunatic Asylum, at Anchorage, shall hereafter be one thousand dollars per year.

§ 8. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 449.

AN ACT to re-establish the Institution for the Education and Training of Feeble-minded Children.

WHEREAS, An Institution for the Education and Training of Feeble-minded Children was established by an act approved the 11th of February, 1860; and whereas, by an act concerning the various charitable institutions in this Commonwealth, said institution was to be converted into a lunatic asylum, to be known and styled the Third Kentucky Lunatic Asylum, whenever the asylums for lunatics at Lexington and Hopkinsville were filled; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Institution for the Education and Training of Feeble-minded Children be, and the same is hereby, re-established under the corporate name and title of "The Commissioners of the Kentucky Institution for the Education and Training of Feeble-minded Children."

Institution for Education of Feeble-minded Children re-established.

§ 2. The commissioners of said institution, to be appointed as hereafter directed, shall be and they are hereby, constituted a body-corporate, with all the usual powers of a corporation necessary to carry out the objects of said institution, with perpetual succession; with authority to purchase and hold, or to rent or hire, or to receive by gift or bequest, property,

Commissioners constituted a body-corporate, & their powers.

1874.

real or personal. for the objects of said institution; with capacity of contracting and of being contracted with; of suing and being sued; of pleading and being impleaded: and of using a common seal, and altering the same at pleasure.

Nine commissioners appointed by the Governor.

Divided into three classes.

Funds, &c., under control of commissioners.

Commissioners to keep record of their proceedings, &c.

President of board—how elected, &c.

§ 3. The commissioners of said institution shall be nine in number, to be appointed by the Governor, with and by the advice and consent of the Senate, all of whom to reside in the county in which the institution is located; five of whom shall constitute a quorum. They shall be divided into three classes, in the order of their names as appointed, with three in a class, and one class shall go out of office, according to their number, every two years, but may be reappointed. They shall retain their office, however, until their successors are appointed. In case of death or resignation of a member, the Governor shall have power to supply the vacancy, to the end of his time.

§ 4. That all the funds and effects of said institution shall be under the management and control of its board of commissioners, and their successors in office, as trustees for the State, in aid and furtherance of the objects of said institution, and so manage and apply the same as may be best calculated, in their judgment, to build up and sustain the interest of said institution.

§ 5. That said board of commissioners, and their successors in office, shall keep a true and complete record of all their proceedings and acts as a board, and cause to be kept by their secretary and treasurer a true and complete record of all money received and disbursed, from whence derived, and for what expended, all of which shall be open, at any time, subject to the inspection of any committee or commissioner appointed by the Legislature for the examination of the same; and it shall be the duty of the board of commissioners, for the time being of said institution, to present to the Governor annually, and he lay before the General Assembly within the first week of the session, a statement of the funds, receipts, and expenditures of said institution, and the number received and cared for during the year immediately preceding, and the counties from which they came.

§ 6. That the board of commissioners, and their successors in office, shall have power to appoint one of their number to act as president of the board, and shall appoint a secretary and treasurer, neither of whom shall be a member of said board, and all other inferior officers or employees, not otherwise provided for in this act, as they may deem necessary for the efficient management of said institution, and may remove any of them at pleasure, and fill their places with others; and make such by-laws, rules and regulations, as they may deem necessary for the government and interest of said institution, not inconsistent with the provisions of this act, nor in violation of the Constitution and laws of the State: *Provided*, That all such action shall be subject to the control of the General Assembly of this Commonwealth.

§ 7. That it shall be unlawful for the board of commissioners, or their successors in office, to meet and transact business, unless a majority of said board shall be present and concur in their proceedings; nor shall the proceedings be binding until they shall have been first signed by the president, and countersigned by the secretary.

1874.

Majority of board to act, and proceedings to be signed by president before lawful.

§ 8. That each commissioner, and every other officer appointed by the Governor under this act, and the secretary and treasurer of the board, shall, before entering upon the duties of his office, take an oath before some notary public, or other officer authorized to administer oaths, that he will faithfully discharge the duties of his trust.

Oath.

§ 9. That the officers of said institution who shall be appointed by the Governor, by and with the consent and advice of the Senate, shall be as follows, viz: a Medical Superintendent, one Assistant Physician, and a Steward, all of whom shall live in or near said institution; and that the Superintendent shall receive for his services the sum of fifteen hundred dollars per annum, the Assistant Physician the sum of eight hundred dollars per annum, and the Steward the sum of seven hundred dollars per annum. Said amount to be paid out of the appropriations provided for in this act to meet the annual expenditures of said institution.

Officers of the institution—their salaries, &c.

§ 10. That the treasurer, before he receives any money or other means belonging to said institution, shall execute a bond to the Commonwealth in such sum and such sureties as may be required and approved by the board of commissioners for the safe-keeping and disbursement of all money and other means placed in his hands by said board, its agents, or other officers, or by the State. He shall not appropriate any money or other means belonging to said institution in his hands to his own use, or lend the same to any other person for any purpose whatever; or to pay out or disburse any of said funds for any claim, in whole or in part, whatever, against said institution, except upon the warrant of the president, countersigned by the secretary; and for any violation of this provision by the treasurer, he and his sureties are made liable, on his official bond, for the full amount of the sum or sums thus unlawfully used, loaned, or disbursed, with ten per cent. damages, recoverable on proper proof shown before any court of competent jurisdiction in this Commonwealth.

Treasurer to execute bond, &c.

§ 11. That the board of commissioners shall meet at least once in each month for the transaction of business, and oftener if the interest of the institution shall require it, and it shall be unlawful for the president to issue his warrant for the payment of the claim against said institution, until the same shall have been submitted to the board of commissioners and approved by them, and directed to be paid by an order entered upon the books of the secretary, signed by the president and countersigned by the secretary; and whenever the secretary shall issue his warrant on the treasurer for the payment of any claim thus ordered, he shall enter on a book kept for the purpose the number, date, and amount of said warrant, and the name of the person to whom issued.

Board to meet once a month, & all claims to be passed upon by board before signed by president.

1874.

Steward, and his
duties in procur-
ing supplies, &c.

§ 12. It shall be the duty of the steward to purchase all needed and required supplies of every description. Said supplies to be purchased where they can be bought the cheapest, and regard being had in all cases to the quality as well as the price of articles purchased. Said supplies shall be paid for by the appropriation made by the State to meet the annual expenditures of the institution, and no bill for supplies purchased shall be ordered to be paid by the board unless the seller shall make out a detailed statement of articles purchased by the steward, or his order, of the name of each article, date of purchase, and the price paid, and the claim being approved by the steward, it shall be the duty of the steward, whenever the president of the board shall issue his warrant on the treasurer for the payment of any articles purchased by him, to enter in a book kept for the purpose the number, date, and amount of said warrant, and the name of the person to whom the same was issued. He shall give due attention to the cultivation of the farm and garden, and shall be held responsible for the products of the same, and the proper care of the stock belonging to the institution, and shall furnish, from time to time, such products of the farm or garden for the use of the institution as may be required by the superintendent; and he shall keep, in a book kept for the purpose, an account of all supplies thus furnished. He shall furnish a monthly statement to the board, in writing, of his official acts to date. No sale of any of the stock or products of the farm or garden shall be made by him without the consent of the board; and any funds received by him for any sale thus ordered shall be immediately paid over to the treasurer, taking his receipt for the same, stating amount, when received, and the name of the article sold.

Secretary
and treasurer to
make quarterly
statement.

§ 13. The secretary and treasurer shall make a separate quarterly statement to the board of the financial condition of the institution, and furnish the Governor with copies of the same, signed by the president and countersigned by the secretary.

Ages of children
to be received.

§ 14. The ages of children received into the institution shall not be less than six years nor more than eighteen, and no child shall be allowed to remain in the institution longer than ten (10) years, and may be removed at any time by order of the board, whenever the interest of the institution, in their judgment, shall require the same to be done; and whenever such removal shall be ordered by the board of any inmate, or the term which it is allowed to remain shall have expired, said inmate shall be removed by the parent or guardian sending the same to the institution without cost to the State: *Provided*, The parent is unable to pay the expense incurred to send the inmate home, or the guardian has no means belonging to his ward which he can lawfully use for said purpose, then, in that case, the Auditor of the State, upon the certificate of the superintendent, shall pay the expense of transportation at the rate of six cents per mile, reckoning the distance by the usual route of travel to the home of said inmate; but no traveling expenses shall be paid

except on the first reception and final discharge of the child. Should it appear to the board, at any time, that any inmate now in said institution, or that may hereafter be received, is a proper subject, under the law, for a lunatic asylum, they shall, with the advice and consent of the superintendent, and the approval of the Governor, order him or her to be sent to one of the lunatic asylums of the State, and the expense of transportation shall be paid as now provided for by law for transportation of lunatics.

1874.

§ 15. There shall be, and is hereby, appropriated for the support, including board, instruction, &c., of each pupil, the sum of one hundred and fifty dollars (\$150) per annum, payable quarterly, and the sum of seven thousand five hundred dollars per annum, payable quarterly in advance, from the time of the passage of this act, for the general support of the institution, payment of salaries, purchase of books, maps, stationery, apparatus, contingent expenses, &c. It shall be the duty of the superintendent to require of each parent or guardian, sending a child to the institution, to pay whatever sum per annum, in his judgment, after an inquiry, he or she may be able to pay towards the support of his or her child or ward in the institution. Bond, with approved security by the president of the board, shall be required, in all such cases, by the superintendent. From the indigent nothing shall be required. And whenever any child, now an inmate of the institution, or that may hereafter be received, shall, in the judgment of the board, be unimprovable, such inmate shall be removed by the parent or guardian, when the board shall order the same to be done, by the advice and consent of the superintendent; and the cost of removal for all indigent children shall be paid as provided in this act for the transportation of indigent children to the institution.

Appropriations
for support of in-
stitution.

§ 16. The terms of all officers provided for in this act, other than the commissioners, shall be four years.

§ 17. It is distinctly avowed in this act that said institution is not an asylum for the custodial care of unimprovable idiots, but a School for the Education of Feeble-minded Children.

§ 18. That all acts or parts of acts in conflict with the provisions of this act be, and the same are hereby, repealed.

Approved February 23, 1874.

CHAPTER 452.

AN ACT to protect citizens of this Commonwealth from empiricism.

WHEREAS, The people are liable to be imposed upon by charlatans and incompetent physicians and surgeons; whereas, it is of the highest importance that none but persons with competent qualifications should be allowed to practice a pro-

1874.

fession to whose skill and ability the life of the individual is intrusted; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to practice medicine for pay without diploma or certificate from board of examiners.

§ 1. That it shall be unlawful for any person, for reward or compensation, within the limits of this State, to practice medicine in any of its departments, to prescribe, or attempt to prescribe, medicine for any sick person, or perform, or attempt to perform, any surgical operation upon any person within said limits, who has not graduated at some chartered school of medicine in this or some foreign country, or who cannot produce a certificate of qualification from some one of the boards of examiners provided for in this act, and is not a person of good moral character.

Persons practicing ten years not in provisions of this act; those practicing only five given one year to comply with this act.

§ 2. Any person who has been regularly and honorably engaged in the practice of medicine, or any of its departments, for ten years, shall be deemed to have complied with the provisions of this act. Any person having been so engaged for five years, shall be allowed one year in which to comply with said provisions.

Governor to appoint board of examiners, & their qualifications.

§ 3. The Governor shall, within sixty days from the passage of this act, appoint five citizens in each and every judicial district in this State—said citizens shall be practicing physicians of acknowledged learning and ability, and regular graduates of some chartered medical college—who shall constitute and be styled "The Board of Medical Examiners" for said district, three of whom shall constitute a quorum for the transaction of business. Their term of office shall be four years, beginning the first day of April, 1874; and it shall be the duty of the Governor each four years thereafter, and prior to the first day of April, to appoint their successors, who shall have the qualifications herein required.

State board to hold annual sessions.

§ 4. It shall be the duty of each of said boards to meet and hold annual sessions in their respective districts, at some central convenient place easy of access, to be by them selected, commencing on the first Monday in June of each year, for the purpose of examining all applicants who desire to practice medicine in any of its departments. The examination shall be conducted in such manner and to such extent as the examiners may deem most conducive to the interests and wants of the people and the advancement of learning in the medical profession, and to embrace the following branches of medical science, viz: Chemistry, anatomy, physiology, obstetrics, surgery, and so much of practical medicine as relates to the nomenclature, history, and symptoms of disease. The several boards may hold extra sessions (if they deem it necessary) at any time and place in their respective districts they may think proper.

Applicants to produce evidence of moral character.

§ 5. The examiners shall require all applicants to produce satisfactory evidence of good moral character, and to pay an examination fee of not more than twenty dollars. The sessions of the several boards shall continue long enough to give all who desire it an opportunity to undergo a fair and impartial examination.

§ 6. The examiners shall grant all applicants who shall be found, upon examination, to possess a fair practical knowledge of the branches named in section four of this act a certificate of qualification, signed by at least three members of said board, which shall entitle the holder thereof, for the time specified, to practice any or all of the branches named in said certificate anywhere in said district or adjoining district.

1874.

When examiners are to grant certificate.

§ 7. The members of the several boards shall receive, as a compensation for their services, all of the fees paid by applicants for examination before said board. Certificates shall designate the time and the branches the holder thereof shall be entitled to practice, and shall not be granted for a longer period than five years nor a less period than one year.

Fees of board of examiners.

§ 8. Any person living in this State, or any person coming into this State, who shall practice medicine, or attempt to practice medicine, in any of its departments, or who shall perform, or attempt to perform, any surgical operation for or upon any person within the limits of this State for reward or compensation, in violation of the provisions of this act, shall, upon conviction thereof, be fined fifty dollars, and upon each and every subsequent conviction be fined one hundred dollars and imprisoned thirty days, or either or both, in the discretion of the jury; and in no case where the provision of this act has been violated shall the person so violating be entitled to receive compensation for services rendered.

Penalty.

§ 9. *Provided*, That nothing herein shall be so construed as to apply to persons practicing dentistry.

§ 10. This act shall be in force from its passage.

Approved February 23, 1874.

CHAPTER 474.

AN ACT to secure the payment into the Treasury of all fines, taxes, and license fees collected by trustees of the jury fund, clerks, and other officers.

WHEREAS, It is made the duty of the trustee of the jury fund in the county for which he is appointed to collect all the fines which may accrue and be assessed by the judgment of the circuit or county courts, justices of the peace, or police judges of the several cities or towns, also all jury fees; and whereas, it is made the duty of the circuit court clerk in each county in this Commonwealth to collect a tax of fifty cents on each suit, appeal, or traverse filed in the court of which he is clerk; and on the granting of a certificate, under the seal of his office, a fee of fifty cents; and whereas, it is made the duty of the clerk of the county court in each county in this Commonwealth to collect a tax of fifty cents on each suit filed in court of which he is clerk; and on each certificate, to which he attaches the seal of his court, a tax of fifty cents; and on each deed, mortgage, or power of attorney, for the sale of real estate filed in his office for record, a tax of

1874.

fifty cents; also to collect from each person licensed to keep a tavern, ten dollars, and if licensed to sell spirituous liquors in connection therewith, fifty dollars; from each person licensed to keep a coffee-house, fifty dollars; from each merchant licensed to sell spirituous liquors, or if a firm, for each member thereof, twenty-five dollars; from each person licensed to sell playing-cards, twenty-five cents for each pack sold; from each person licensed to keep billiard-tables, thirty dollars for the first table kept by such person, and twenty dollars on each additional table; from each person licensed to keep a nine or ten-pin alley or bowling saloon, the tax imposed by section six, article two, of chapter ninety-two, of the General Statutes; to collect, upon granting of a license to the keeper or owner of any itinerant or other menagerie, circus, or theatrical performance, the tax imposed by section seven of the article and chapter last above named; to collect, upon granting a license to the owner or keeper of any stud-horse, jack, or hull, the tax imposed by section eight of the article and chapter above named; to collect, upon granting a license to a broker or exchange dealer, the tax imposed by section two of article three of the chapter above named; from each person licensed to peddle, the tax imposed by section five of chapter eighty-four of the General Statutes; to collect from each person who may sell drugs, medicines, or nostrums, not made in or owned by persons of this State, five per cent. on the gross sales made; and whereas, it appears from the Auditor's reports that these special taxes have not been paid in many instances; now, for remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Auditor
to have certain
blanks prepared
for trustees of
jury fund, &c.

§ 1. That it shall be the duty of the Auditor of Public Accounts, so soon as this act is approved by the Governor, to make out, in good and convenient form, a blank to meet the requirements of this act, which blank shall show the several items of revenue referred to in the preamble of this act, or any other sources of revenue, except that for which the sheriffs of this Commonwealth are directly responsible; and the taxes payable by corporations directly into the Treasury under the head of each officer charged by law with the collection thereof. He shall cause three thousand copies thereof, and three thousand copies of this act, to be printed, and a like number each year thereafter.

To distribute
said copies.

§ 2. That it shall be the duty of the Auditor, so soon as this act takes effect, and on the same day of each succeeding year thereafter, to send by mail to each trustee of the jury fund, clerk of the circuit and county courts, county judge, and county attorney, three copies of said circular and act, and to each circuit judge in this Commonwealth one copy for each county in his district.

Duty of circuit judge to have
items of tax all
read over before
grand jury and
answered under
oath by trustee of
jury fund & other
officers whose duty
it is to collect
tax.

§ 3. It shall be the duty of each circuit judge in this Commonwealth, immediately after the grand jury is empaneled and instructed, and before they are sent to their rooms, to call over each item in the account made out and referred to in the first section of this act, and to have the officer, whose duty it

is by law to collect each particular tax, to answer in open court, under oath, the number of persons who have paid to him any item of tax which it is made his duty to collect, and the aggregate amount collected under each item, which answers so made by the officer shall be recorded by the judge, in blank places prepared for that purpose; and the several judges are hereby invested with power, by rule or attachment, to compel the attendance of said officers to answer the call of said revenue docket or account: *Provided*, That justices of the peace, constables, and police judges, may report in writing: *And provided further*, That in case of the actual sickness of any of the officers required to report in court, such officer may also report in writing. Said reports shall be made under oath, and read in open court. 1874.

§ 4. That it shall be the duty of each judge of a circuit court in this Commonwealth to see that each officer in each county in which he holds his court, at each and every term thereof, makes a report, as required by this act. And it shall further be the duty of each judge, so soon as said report is made, to attest the same as a correct memoranda of the questions propounded to each officer, and his answers thereto, and to forward it to the Auditor of Public Accounts, and to have a copy thereof entered on the records of his court.

Duty of circuit judge to have report made and forward same in form to Auditor.

§ 5. That the Auditor of Public Accounts shall not draw his warrant on the Treasurer of this State for the monthly salary of any circuit judge until the report referred to in section four of this act, or a copy, attested by the judge, is filed in his office, for all the courts held in his district, for the month next before the one for which the salary is to be drawn: *Provided*, That if a rule is issued against any officer or officers required to make report under this act, and is returned by the proper officer "not found," a copy of said rule and return shall be accepted as a return for that officer for that term of the court for all the purposes of this section of this act; but it shall be the duty of the judge to issue a rule against the officer not reporting, returnable to the first day of the next term of the circuit court, at which time the officer shall be required to report from the date of his last report.

Salary of circuit judge not to be paid until report is made to Auditor.

§ 6. It shall be the duty of each officer authorized by law to collect moneys due the State to pay them over to the officer or officers as now directed by law, and to settle immediately after each term of the circuit court in his county, as now directed by law. And it shall be the further duty of each and every officer, whose duty it is by law to collect the values found due on such settlement, to collect the same immediately; and if not paid, to give notice and take judgment for such balances, at the first term of the court having jurisdiction which shall convene not less than twenty days after such settlement is made.

Officers to settle after each term of circuit court.

§ 7. That the provisions of this act shall be held to extend and not to repeal any of the provisions of the laws of this Commonwealth, except those laws inconsistent herewith, which are hereby repealed.

1874.

§ 8. This act shall take effect on the first day of September, 1874.

Approved February 23, 1874.

CHAPTER 481.

AN ACT to amend an act, entitled "An act to change the time of holding the circuit, chancery, and criminal courts in the twelfth judicial district."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Kenton.

Pendleton.

Harrison.

§ 1. That the circuit, criminal, and chancery courts in the twelfth judicial district shall be held as provided in an act, entitled "An act to change the time of holding the circuit, criminal, and chancery courts in the twelfth judicial district," approved April 16th, 1873, except that the term of circuit court in the counties of Kenton, Pendleton, and Harrison shall be held as follows: the Kenton circuit court at Covington, commencing on the first Monday in January, third Monday in April, and first Monday in September, the first and last named terms each twenty-four juridical days, and the April term eighteen juridical days; at Independence on the third Monday in June and the second Monday in December, and continue each six days, if the business requires; Pendleton circuit court, commencing second Monday in March and third Monday in October, each term to continue twelve juridical days, if business requires; Harrison circuit court, commencing on the second Monday in May and the first Monday in November, each term to continue eighteen juridical days, if business requires.

§ 2. This act shall take effect on the first day of August 1874.

Approved February 23, 1874.

CHAPTER 483.

AN ACT to provide for the conveyance of pauper lunatics to the various asylums in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amount to be paid for conveying pauper lunatic to asylum, & mode and manner of paying it.

§ 1. That all expenses for the conveyance of pauper lunatics to the asylums of this Commonwealth shall be paid to the persons so conveying said lunatics, by warrant of the Auditor of Public Accounts upon the Treasurer of the State; the sum for conveyance to be certified by the Superintendent of the asylum to which the parties is carried: *Provided*, That but one person shall be paid for conveying such lunatics, the costs in no case to exceed six cents per mile going, for guard and patient each, and six cents per mile for guard,

returning; distance to be estimated by the nearest usual route of travel.

§ 2. That patients denied admittance, or not received by Superintendents of asylums for want of room, shall receive the same compensation returning to their homes what they are entitled to under the foregoing section of this act for going to said asylums.

1874.

Same compensation for returning with rejected patient.

§ 3. Where a certificate has been issued by the Superintendent of any lunatic asylum since the fifteenth (15th) day of October, eighteen hundred and seventy-three (1873), for the conveyance of a pauper lunatic to the asylum, it shall be lawful for the Auditor to draw his warrant on the Treasurer for the amount of such certificate, not exceeding the amount due upon the certificate under the law in force on the first (1st) day of December, eighteen hundred and seventy-three (1873).

Auditor to pay certificate issued after 15th October, 1873, and the amount to be paid.

§ 4. This act shall take effect on its passage.

Approved February 23, 1874.

CHAPTER 488.

AN ACT to change the time of holding the Pulaski circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. Section fifth of article five of chapter twenty-eight of the General Statutes is hereby so amended that Pulaski circuit court shall be held on the fourth Mondays in March and September, and continue the same number of days as now provided by law.

Pulaski circuit court.

§ 2. This act shall take effect from and after the passage of this act.

Approved February 23, 1874.

CHAPTER 494.

AN ACT to amend chapter eighteen of General Statutes, entitled "Common Schools."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the word "trustees," wherever it occurs in said chapter, and the sense requires it to be in the singular number, shall read "trustee."

See General Statutes, page 204.

§ 2. That article two, section six, be so amended as to refer to "article seven, section fourteen," instead of "article seven, section sixteen."

§ 3. That article three, section five, be so amended as to substitute "trustee" for "district school boards," in the two places where it occurs.

1874.

§ 4. That article five, section two, be so amended as to substitute "eighteen hundred and seventy-four" for "eighteen hundred and seventy-three," and to add to the section the words, "the commissioners now in office shall occupy the office for the full time for which they were elected."

§ 5. That article one, section ten, be so amended as to substitute "the tenth day of January" for "the fifteenth day of November," and article five, section eight, as to substitute "the tenth day of January" for "the fifteenth day of November."

§ 6. That article five, section fourteen, be amended by substituting "January" for "November."

§ 7. That article five, section fifteen, be amended by substituting "eighteen hundred and seventy-four" for "eighteen hundred and seventy-three."

§ 8. That article seven, section one, be amended so as to read, "the qualified white voters of the district," instead of "county."

§ 9. That article seven, section eight, be amended so as to read "after the first day of December, eighteen hundred and seventy-three, if a majority of the white qualified voters of such district."

§ 10. That article seven, section eight, be so amended as to read "thirty cents," instead of "forty cents," and "section nine," instead of "article seven."

§ 11. That article seven, section fourteen, be amended by adding thereto: "And said trustee shall not take the census of any children who have recently removed into the district, and who have, previously, been reported in the census of pupil children, for the year, in the district from which they have removed."

§ 12. That article seven, section fifteen, be amended so as to read, "in full or one half the session, by the fifteenth of February, fifteenth of May, and first of July, or for one half of the session, by January fifteenth," and by substituting "section sixteen" for "section fifteen."

§ 13. That article eight, section one, be amended by adding after the words: "County Board of Examiners," the following words: "or two members of the State Board of Examiners."

§ 14. That article eight, section eight, be amended by adding after the word "examiners," the words "of a county."

§ 15. That article nine, section one, be amended by substituting for "in July or August," the following words: "at such season of the year as may seem to him most convenient to the teachers, and productive of the best results to the school of the county."

§ 16. That article eleven, section three, be amended by striking out all after the word "June."

§ 17. That article twelve be amended by striking out the word "act," wherever it occurs, and substituting the word "chapter."

§ 18. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 519.

1874.

AN ACT to increase the jurisdiction of justices of the peace in the counties of Warren, Edmonson, Carter, and Madison.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That in civil actions and proceedings, the courts of justices of the peace in the counties of Warren, Edmonson, Carter, and Madison shall have jurisdiction for the recovery of money or personal property, when the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value, and the pleadings therein may be oral; but before any summons is issued, the plaintiff shall file, as now required by section eight hundred and seventy-two of the Civil Code, the account or written contract or statement of the facts on which the action or proceeding is founded; and appeals may be taken by either party to the court of common pleas or circuit court, when the amount in controversy is of the value of ten dollars or more, exclusive of interest and cost. Before any summons shall be issued on a claim exceeding fifty dollars, a tax of fifty cents shall be paid to the justice, who shall report and account for the same, as in case of fines paid to a justice of the peace.

Jurisdiction of magistrates in the counties of Warren, Edmonson, Carter, and Madison increased to \$100.

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 521.

AN ACT to establish a uniform system of common schools for the colored children of this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there shall be a uniform system of common schools for the education of the colored children of this Commonwealth.

System of common schools for colored children established.

§ 2. That the school fund for this purpose shall be known as the colored school fund, and shall consist of the following provisions, viz :

School fund, from whence derived.

1. The present annual revenue tax of twenty-five cents, and twenty cents in addition, on each one hundred dollars in value of the taxable property owned or held by colored persons, which tax shall be devoted to no other purpose whatever.

2. A capitation tax of one dollar on each male colored person above the age of twenty-one years.

3. All taxes levied and collected on dogs owned or kept by colored persons.

4. All State taxes on deeds, suits, or on any license, collected from colored persons.

5. All the fines, penalties, and forfeitures imposed upon and collected from colored persons due the State, except the amount thereof allowed by law to attorneys for the Commonwealth.

1874.

6. All sums of money hereafter received by this Commonwealth under or by virtue of an act of the Congress of the United States distributing public lands, or the proceeds of the sales thereof: *Provided*, The pro rata share to each colored pupil child shall not exceed, in any one year, the apportionment made to each white pupil child of this Commonwealth.

7. All sums arising from any donation, gift, grant, or devise, by any person whatsoever, wherein the intent is expressed that the same is designed to aid in the education of the colored children of this Commonwealth, or of any county or school district therein.

Duty of clerks,
judges, &c.

§ 3. The revenue arising annually from the resources provided by this act shall constitute the sum to be distributed each year, by the Superintendent of Public Instruction, as now provided by the common school law. It shall be the duty of all clerks or judges of courts wherein such fines, penalties, and forfeitures, or taxes on deeds, suits, and licenses are imposed, to collect and pay the same into the Treasury, by the first day of January in each year, deducting five per cent. thereof for collection.

Duty of assess-
ors.

§ 4. The assessor of each county shall keep a separate column in his book showing the enlistment of capitation and taxable property of all colored persons therein subject to taxation by the provisions of this act.

Sheriff's per cent.

§ 5. The sheriff of each county shall be allowed five per cent. of the taxes collected and paid into the Treasury by him for the colored school fund.

Tax-payer may
designate fund to
which tax shall
be appropriated.

§ 6. The sheriff shall appropriate the taxes, or any part thereof, collected from any colored person, to whatever fund said colored person may designate, in all cases where he is not able to pay the entire tax assessed against him for State, county, school, and municipal purposes.

Auditor to keep
separate account
of colored school
fund.

§ 7. The Auditor shall keep a separate account for the colored school fund, which shall constitute a basis for the Superintendent's annual pro rata distribution to the colored children of this Commonwealth.

Census of colored
children.

§ 8. That the number of colored children in each district, between the ages of six and sixteen years, shall be taken and reported at the same time and in the same manner as required by law for taking the census of white children; and the distribution of the colored school fund shall be made at the same time and in the same manner as provided by law for the distribution of the school fund for white children.

Commissioner re-
sponsible for col-
ored school fund.

§ 9. The county school commissioner shall be responsible, on his official bond, for the proper distribution of whatever portion of the colored school fund may come into his possession, and for his compensation shall receive three dollars for each colored common school taught in his county, and visited while in session, and one per cent. on all the moneys disbursed by him in the support of the colored common schools of his county.

§ 10. The commissioner shall lay off the county into suitable districts, most convenient to the greatest number of colored children in each county, so that no district shall contain more than one hundred nor less than twenty colored children of pupil age.

1874.

Commissioner to lay off school districts.

§ 11. In counties where there are not a sufficient number of colored children to form various schools, a single school may be organized and taught in the locality where the greatest number of colored children reside, and all the colored children of pupil age in the county shall have the privilege of attending said school.

Single school may be taught.

§ 12. That the commissioner, at the beginning of each school year, shall appoint three colored school trustees to each colored school district. These trustees shall have the management of the colored school of their district, employ a teacher therein, and shall notify the parents of the colored children in the district that it is their privilege to send their children to said school free of charge. They shall also report to the commissioner the length of time said school was taught by a qualified teacher, not less than three months in each year, except where there are not more than sixty colored children in a district, then the school may be taught for two months, with the consent of the commissioner. Appeals from the decision of the trustees, upon the petition of any dissatisfied colored person in the district, may be taken to the county commissioner, whose decision in the case shall be final.

Trustees to be appointed.

Their duties.

Appeals from decision of trustees.

§ 13. That the trustees of each district may obtain a site for a school-house, and erect a house thereon, by purchase, gift, devise, or donation, and hold and preserve the same for the use and benefit of said school district.

Trustees to erect school-houses.

§ 14. That applicants to teach the schools provided for in this act shall obtain certificates in the same manner as now provided by law for applicants to teach white schools, except that the examination may not be extended beyond spelling, reading, writing, and common arithmetic; and a school taught by a teacher competent to teach these branches shall be a lawful school.

Qualifications of teachers.

§ 15. That the Superintendent, commissioners, and trustees may receive gifts, donations, and devises for the benefit of colored schools in the State, a particular county or district respectively, and shall hold and use the same as requested by donor or devisor.

Donations, gifts, &c., may be received.

§ 16. That it shall not be lawful for any colored child to attend a common school provided for white children, nor for a white child to attend a common school provided for colored children.

Unlawful for colored child to attend white school.

§ 17. The teacher of each colored common school shall teach at least six hours each day, keep a register of the school, and within ten days after the close of the session report to the commissioner the highest, lowest, and average number of pupils in attendance during the session.

Teacher to teach six hours each day.

1874.

Distance between white and colored schools.

§ 18. No school-house erected for a colored school shall be located nearer than one mile of a school-house erected for white children, except in cities and towns, where it shall not be nearer than six hundred feet.

Blanks to be furnished.

§ 19. The Superintendent of Public Instruction shall provide and furnish the commissioner of each county with the necessary blanks, and perform all other duties similar to those he performs for the white children under the common school law. He shall be allowed a clerk, who shall be paid a salary of seven hundred dollars a year to assist him in his duties pertaining to colored common schools; and said salary and all other expenses incident to a proper conduct of the colored common school system shall be paid out of the colored school fund.

Superintendent shall be allowed additional clerk.

§ 20. The colored school officers and teachers may organize for themselves a State association and auxiliary county institutes, under similar provisions to those made for the officers and teachers of white schools in chapter eighteen (18) of the General Statutes.

State association and institutes.

Course of study

§ 21. The State Board of Education shall prescribe a course of study and adopt rules for the government of the colored common schools.

Provisions of chapter 18 of General Statute to apply to government, &c.

§ 22. That all the provisions of chapter eighteen (18) of the General Statutes, which may be deemed necessary for the government of colored common schools, not in conflict with this act, shall apply to the same, which shall be determined by the State Board of Education; and when said board shall have determined upon the provisions of said chapter essential to the government of colored common schools, and adopted such text-books and regulations as it may deem proper for the interest of said schools, the Superintendent of Public Instruction shall compile and publish them, and shall furnish to the commissioner of each county a sufficient number for the use of the colored school trustees of the same.

Regulations and text-books.

Surplus of school fund to be invested.

§ 23. That all unexpended surplus remaining over at the expiration of the school year shall be returned to the Treasury, and shall be distributed by the Superintendent the ensuing year: *Provided*, Any portion of it that may not be necessary to make the per capita equal to that of a white pupil child may be invested, by the State Board of Education, for the benefit of colored schools in this Commonwealth, the interest upon which shall be annually distributed.

§ 24. That all laws and parts of laws in conflict with this act are hereby repealed.

§ 25. That this act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 524.

1874.

AN ACT to amend article three of chapter five of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the county attorney, in the county for which he is elected, to attend to and discharge each and all the duties heretofore imposed on Auditor's and revenue agents; and to enable him to discharge said duties, sections three, four, five, six, seven, eight, and ten of article one, and sections one and five of article two, and sections two, three, four, five, and six, of article three, all of chapter ninety-three, of the General Statutes, are hereby re-enacted and made a part of this act, as fully as if they were here inserted, except that the word county attorney shall be used in place of the word agent, wherever it occurs in said sections.

County attorney to perform duties of agents of the Auditor.

§ 2. The county attorney shall not be allowed to collect or receipt for any money in any case; he shall see that all sources of revenue in his county are properly listed and reported to the Auditor.

County attorney not to receipt for money, &c.

§ 3. It shall be his duty to look after and see that all corporations in his county liable to pay tax are listed with the Auditor; and for each corporation so reported by him and listed for taxation, which has never been reported to the Auditor, he shall receive a compensation equal to ten per cent. on the amount of tax collected from said corporation, for the first year after it is so reported.

To report corporations liable to pay taxes, & his compensation.

§ 4. Each county attorney shall be allowed, on all sums which, in the aggregate, he may cause to be paid into the Treasury, ten per cent., which shall be due and payable on the 1st day of October in each year; and the Auditor shall draw his warrant on the Treasurer for the compensation herein provided, and as shown by the Treasurer's and Auditor's accounts.

§ 5. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 525.

AN ACT to repeal chapter ninety-three of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That chapter ninety-three of the General Statutes, entitled "Revenue Agent," be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

1874.

CHAPTER 541.

AN ACT to increase the jurisdiction of justices of the peace in the counties of Warren, Madison, and Simpson.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jurisdiction of justices of the peace in Warren and other counties increased to \$100.

§ 1. That in civil actions and proceedings, the courts of justices of the peace in the counties of Warren and Madison and Simpson shall have jurisdiction for the recovery of money or personal property, when the matter in controversy, exclusive of interest and cost, does not exceed one hundred dollars in value, and the pleadings therein may be oral; but before any summons is issued, the plaintiff shall file, as now required by section eight hundred and twenty-seven of the Civil Code, the account or written contract or statement of the facts on which the actions or proceeding is founded; and appeals may be taken by either party to the court of common pleas or circuit court, when the amount in controversy is of the value of ten dollars or more, exclusive of interest and cost; but before summons shall be issued on a claim exceeding fifty dollars, a tax of fifty cents shall be paid to the justice, who shall report and account for the same as in cases of fines paid to a justice of the peace.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 548.

AN ACT to amend section two, chapter ninety, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

See General Statutes, page 704.

§ 1. That section two of chapter ninety of the General Statutes be amended by striking out the word "any" in line two, and insert these words: "the best resident."

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 572.

AN ACT to change the time of holding the Owen county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Owen county court.

§ 1. That the time of holding the Owen county court be, and is hereby, changed to the fourth Monday instead of the third.

§ 2. This act to be in force from its passage.

Approved February 23, 1874.

CHAPTER 573.

1874.

AN ACT changing the time of holding the county courts in Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the June term of the Carroll county court shall be held on the second Monday of that month, and the December term of said court shall be held on the first Monday of said month, instead of the terms heretofore fixed by law for holding the June and December terms of said court.

Carroll county
court.

§ 2. *Be it further enacted,* That the court of claims for Carroll county shall be held at the December term of the county court for said county.

§ 3. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 574.

AN ACT to extend and re-enact an act, entitled "An act for the benefit of late clerks, sheriffs, late jailers, and other civil officers of this Commonwealth having uncollected fee bills."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act for the benefit of late clerks, sheriffs, late jailers, and other civil officers of this Commonwealth having uncollected fee bills," be, and the same and every part thereof, as amended and approved March 21, 1871, is hereby re-enacted and extended, and shall be in full force as the law of the land for two years from and after the first day of April, 1874.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 576.

AN ACT to punish persons for fraudulently selling, concealing, or disposing of mortgaged personal property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if any person shall fraudulently sell, conceal, or dispose of any personal property, on which at the time there is a mortgage of record, with intent to prevent the enforcement of the lien thereon, or the foreclosure of the mortgage and sale of the property, he shall be fined not less than ten dollars nor more than one thousand dollars, or imprisoned not less than fifteen nor more than ninety days, or both so fined and imprisoned, at the discretion of the jury.

Penalty for
selling mortgaged
personal property.

Approved February 23, 1874.

1874.

CHAPTER 586.

AN ACT supplemental to and to amend an act, entitled "An act to apportion representation in the Senate and House of Representatives," approved February 19th, 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourth section of an act, entitled "An act to apportion representation in the Senate and House of Representatives," approved 19th day of February, 1874, be, and the same is hereby, so amended that in the Sixth Senatorial District an election for Senator shall be held on the first Monday in August, 1875, and on same day in each fourth year thereafter; and in the Sixteenth Senatorial District an election for Senator shall be held on the first Monday in August, 1877, and not before, and a similar election shall be held on the same day in each fourth year thereafter. So much of said act as is in conflict with this act is repealed.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 594.

AN ACT to amend article three, chapter fourteen, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article three of chapter fourteen of the General Statutes be amended as follows: "That an alien shall have the same right to recover, inherit, hold, and pass by descent, devise, or otherwise, real or personal property in this State, that is given to the citizens of Kentucky by the laws of the government of which such alien is or was a citizen or subject."

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 596.

AN ACT for the appropriation of money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following sums of money are hereby appropriated to the following persons, to be paid by the Treasurer out of any money in the Treasury not otherwise appropriated, upon the warrant of the Auditor:

§ 2. To the Speakers of the Senate and House of Representatives, ten dollars, each, per day, during the present session.

1874.

§ 3. To the principal Clerks of the Senate and House of Representatives, ten dollars, each, per day, during the present session, and the same for such time as may be necessary, not exceeding ten days after adjournment, for preparing the acts for publication; and to the Assistant Clerk of the House the same, for such time as may be necessary, not exceeding ten days after adjournment, for preparing the acts for publication.

§ 4. To the Assistant Clerks of the Senate and House of Representatives, ten dollars, each, per day, during the present session; to the Assistant Clerk appointed in the stead of the Chief Clerk, during his illness, the sum of ten dollars per day.

§ 5. To the Sergeant-at-Arms of the Senate and House of Representatives, each, eight dollars per day, during the present session.

§ 6. To the Door-keepers of the Senate and House of Representatives, each, eight dollars per day, during the present session.

§ 7. To Isaac Wingate, jr., Clerk of the Enrolling Committee of the Senate, eight dollars per day, during the present session.

§ 8. To the Pages of the Senate and House of Representatives, three dollars, each, per day, during the present session.

§ 9. To the Ministers of the Gospel of Frankfort, who have opened the Senate and House of Representatives with prayer during the present session, three hundred dollars, to be drawn and distributed equally among them by James Lobban, Sergeant-at-Arms of the House of Representatives.

§ 10. To D. D. Sublett, Sergeant-at-Arms of the Senate, for the benefit of J. W. Conly and Lewis Harris, each, three dollars per day, during the present session, for making fires and waiting on the Senate Chamber and cloak-room during the present session.

§ 11. To the Sergeant-at-Arms of the House of Representatives, for the benefit of Brown Durham, John Walsh, and Jack Glore, each, three dollars per day, during the present session, for waiting on cloak-room and House of Representatives.

§ 12. To the principal Clerks of the Senate and House of Representatives, such sums as they may each certify to the Auditor as paid by them for enrolling bills and resolutions at the present session, not exceeding twenty-five cents per page.

§ 13. To Breathitt Phythian, Assistant Librarian, three dollars per day, during the present session, for extra services in the Library.

§ 14. To D. D. Sublett, forty dollars, for services as Clerk to the Committee on Privileges and Elections, in the contested election case of Goodloe and Wooldridge.

§ 15 To Miss Hopkins, three dollars per day, during the present session, for extra services in enrolling and engrossing bills and assistance to the Clerks.

1874.

§ 16. To the Courier-Journal Printing Company, four hundred and eighty dollars, for papers furnished the General Assembly during the present session.

§ 17. To the Louisville Ledger Printing Company, three hundred and seventy-five dollars, for papers furnished General Assembly.

§ 18. To the Lexington Press Printing Company, thirty-three dollars and seventy-five cents, for papers furnished General Assembly.

§ 19. To Guy Barrett, three hundred and fifty-eight dollars and twenty cents, for papers furnished General Assembly.

§ 20. To the Louisville Commercial, forty-nine dollars and seventy cents, for papers furnished General Assembly.

§ 21. To the Kentucky Yeoman, three hundred dollars, for papers furnished General Assembly.

§ 22. To the Carlisle Mercury, one dollar and twenty-five cents; to Flemingsburg Democrat, one dollar and twenty-five cents; to Vanceburg Kentuckian, one dollar and twenty-five cents, for papers furnished General Assembly.

§ 23. To O. W. Grimes, for the benefit of Robert Loomis, two dollars and fifty cents per day for seventy-two days, and Henry Rodman, one dollar per day for seventy-two days, for waiting on back capitol during present session.

§ 24. To the Maysville Eagle, one dollar, and the Maysville Bulletin, three dollars, for papers furnished General Assembly.

§ 25. To the Murray Gazette, two dollars, for papers furnished General Assembly.

§ 26. To the Kentucky Sentinel, two dollars, for papers furnished General Assembly.

§ 27. To the Cynthiana Democrat, two dollars, for papers furnished General Assembly.

§ 28. To J. B. McCreary, Speaker of the House of Representatives, ten dollars and fifty cents, for official telegraph messages.

§ 29. To L. Tobin, twenty-three dollars and seventy-five cents, for sundries furnished General Assembly.

§ 30. To Gray & Rodman, fifty-eight dollars and ten cents, for sundries furnished General Assembly.

§ 31. To Rodman & Bro., seventeen dollars and forty cents, for sundries furnished General Assembly.

§ 32. To G. W. Miller, eighteen dollars and thirty-five cents, for sundries furnished General Assembly.

§ 33. To Reading & Dehoney, twelve dollars and forty-five cents, for sundries furnished General Assembly.

§ 34. To Dennis Griffin, forty dollars, for repairs and erecting flag on State Capitol.

§ 35. To Brent Moore, two dollars and forty cents, for sundries furnished General Assembly.

§ 36. To Sanford Goin, eighty-six dollars and twenty-five cents, for ice furnished General Assembly.

§ 37. To Dennis Haly, ten dollars and forty-five cents, for sundries furnished Senate.

§ 38. To Albert Read, one hundred and fourteen dollars, for articles furnished and carpenter's work done in House of Representatives. 1874.

§ 39. To Philip Selbert, five dollars, for repairs on clocks in the Senate and House of Representatives.

§ 40. To Hughes & Berry, two dollars and twenty-five cents, for sundries furnished General Assembly.

§ 41. To John Griffin, eight dollars and fifty cents, for repairs on gas-burners for General Assembly.

§ 42. To the Owensboro Monitor, nine dollars, for papers furnished General Assembly.

§ 43. To D. R. Haggard, D. H. Lindsey, E. W. Turner, and I. L. Hyatt, ten dollars, each, for expenses incurred in visiting Fourth Lunatic Asylum, at Louisville, as committee of Senate.

§ 44. That the Sergeant-at-Arms of the Senate and House of Representatives be required to deliver to the Librarian all articles of furniture, &c., of their respective Houses, and take his receipt for the same.

§ 45. To Letitia Harris, seven dollars and fifty cents, for washing towels for Senate and House of Representatives.

§ 46. To the Big Sandy Herald, three dollars, for papers furnished General Assembly.

§ 47. To the Paducah Kentuckian, thirty-three dollars and sixty cents, for papers furnished the General Assembly.

§ 48. To the Central Kentucky News, three dollars; to the Mountain Echo, seven dollars, and to the Murray Gazette, two dollars, for papers furnished the General Assembly.

§ 49. To J. W. Warren, for services to the Capitol building, seventy-one days, at two dollars and fifty cents per day, one hundred and seventy-seven dollars and fifty cents.

§ 50. To J. G. Hatchitt, Postmaster, twelve dollars and fifty cents, postage on newspapers for General Assembly during present session.

§ 51. This act shall take effect from its passage.

Approved February 23, 1874.

RESOLUTIONS.

No. 1.

RESOLUTION relating to revising the Constitution.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1874.

That a joint committee, consisting of five members upon the part of the Senate, and nine members upon the part of the House of Representatives, be appointed by the Speakers of the Senate and House of Representatives to take into consideration all propositions relating to the calling of a Convention to revise the Constitution of this State, and to report thereon by bill or otherwise.

Approved December 4, 1873.

No. 2.

RESOLUTION in relation to apportionment.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee, consisting of ten members upon the part of the Senate, and ten members upon the part of the House of Representatives, be appointed by the Speakers of the Senate and House of Representatives, to take into consideration the subject of the apportionment of representation in the Senate and House of Representatives, and report by bill or otherwise.

Approved December 9, 1873.

No. 3.

RESOLUTION directing the furnishing of copies of the General Statutes to State Librarian for specified uses.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Secretary of State be directed to place in the Library one hundred and fifty copies of the General Statutes, instead of the present number, "forty," required by said Statutes.

Approved December 6, 1873.

RESOLUTIONS.

75

No. 4.

1874.

RESOLUTION directing the furnishing of stationery to the Clerks of the Senate and House of Representatives.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Sergeants-at-Arms of the two Houses, and the State Librarian, be directed to furnish the Chief Clerks and Assistant Clerks of the Senate and House of Representatives such articles of stationery as they may require in the discharge of the duties of their respective offices.

Approved December 4, 1873.

No. 5.

RESOLUTION in relation to printing the Journals of the two Houses for the present session.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Public Printer be, and he is hereby, directed to print two hundred copies of the Journals, or daily proceedings of the two Houses, for distribution to the members of the Legislature, and to the Public Offices in Frankfort.

Approved December 10, 1873.

No. 6.

RESOLUTION calling for report from the Commissioners to revise the Codes of Practice.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Commissioners heretofore appointed to revise the Codes of Practice in civil and criminal cases be, and they are hereby, respectfully requested to report what they have done.

Approved December 10, 1873.

No. 7.

RESOLUTION calling on the Auditor for certain information.

WHEREAS, It appears from the message of the Governor that the revenue lost to the State in the last twenty years, by the default of sheriffs, amounts to the sum of five hundred

1874. and seventeen thousand two hundred and forty-one dollars and twenty-one cents; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor be requested to furnish this General Assembly, as early as he can conveniently do so, all facts and information in his possession in reference to said defalcations; what efforts, if any, have been made to collect said amount, or any part thereof, and why it has not been done.

Approved December 15, 1873.

No. 8.

RESOLUTION providing for the purchase of the Holy Bible, to be placed in the State Library.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Secretary of State be directed to purchase for the State, and place in the Public Library, five copies, not to exceed in cost twenty-five dollars, substantially bound, of the Holy Bible.

Approved December 15, 1873.

No. 9.

RESOLUTION directing the Auditor to furnish certain statistical information.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be requested to furnish this General Assembly a statement showing the number of qualified voters in each county in the State, as shown by the enumeration made by the county assessors in the year 1873.

Approved December 15, 1873.

No. 10.

RESOLUTION in relation to a recess of this General Assembly.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That when this General Assembly adjourns on Monday, the 22d inst., they will adjourn to meet again on the 5th day of January, 1874.

Approved December 19, 1873.

RESOLUTIONS.

77

No. 11.

1874.

RESOLUTION directing the Auditor of Public Accounts to pay the officers of the Senate and House of Representatives per diem.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of the officers of the Senate and House of Representatives, and employees, for the same amount of pay, per diem, as paid said officers, respectively, during the last session of this General Assembly: *Provided*, That the sums to be drawn under this resolution, by the Door-keepers and Enrolling Clerk of the Senate, shall not exceed five dollars per day.

2. This resolution shall take effect from its passage.

Approved December 22, 1873.

No. 12.

RESOLUTION fixing a day for the election of certain public officers.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Houses of this General Assembly shall, on Thursday, January 15th, 1874, at 10 o'clock, A. M., proceed to elect a State Librarian and a Keeper of the Penitentiary.

Approved January 15, 1874.

No. 13.

RESOLUTION directing the reinterment of the remains of Christopher Greenup and George Madison, and the erection of a monument over their graves.

WHEREAS, The remains of two of the early and most distinguished Governors of this Commonwealth, Christopher Greenup and George Madison, now lie in an obscure and neglected spot in the old Frankfort Cemetery, with scarce a single mark to designate the resting-place of these distinguished and honored dead; and whereas, also, it is not only right and proper, but the bounden duty, of all civilized and Christian people, to cherish the memory and perpetuate the names of all those who have exhibited in their lives the most exalted patriotism and heroic virtues; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Governor be, and he is hereby, requested and authorized to have the remains of Christopher Greenup and George Madison removed from where they now lie, and cause them to be reinterred in that portion of the Frankfort Ceme-

RESOLUTIONS.

1874.

tery belonging to the State, and have an appropriate monument erected over their graves; and the Auditor, at the request and in favor of the Governor, is authorized and directed to draw his warrant on the Treasurer to an amount sufficient to pay for the same.

2. This resolution shall take effect from and after its adoption.

Approved January 16, 1874.

No. 14.

RESOLUTION in relation to the creation of additional judicial districts.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That a committee of four members on the part of the Senate, and seven on the part of the House of Representatives, be appointed by the Speakers of each House, whose duty it shall be to ascertain whether this State has a population of one million five hundred thousand inhabitants, and whether the interest of this State requires the creation of more judicial districts, and whether they can be constitutionally created at this time; and said committee may report by bill or otherwise.

Approved January 14, 1874.

No. 15.

RESOLUTION concerning the aid of the Federal Government to the Geological State Survey.

WHEREAS, Kentucky, with other interior States, has never yet derived any immediate benefit from the long-continued and costly labors of the Coast Survey; and, furthermore, that her territory never had the advantages of any form of survey by the Federal Government, such as the States to the North and West have received; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That our Senators and Representatives in the Federal Congress be requested to urge upon that body the importance of authorizing and enabling the Coast Survey of the United States to co-operate with the Geological Survey of Kentucky, by making a proper triangulation of the State, and otherwise aiding the latter survey in making a system of topographical maps of the State.

Approved January 21, 1874.

RESOLUTIONS.

79

No. 16.

1874.

RESOLUTION asking repeal of bankrupt law.

Resolved by the General Assembly of the Commonwealth of Kentucky :

That our Senators in the Congress of the United States be, and they are hereby, instructed, and our Representatives requested, to urge, and, if possible, secure the repeal of the act of Congress known as the bankrupt law, and all acts amending the same.

Approved January 22, 1874.

No. 17.

RESOLUTION providing for the removal of the remains of Captain John Howell, a soldier of the Revolution, to the State Cemetery at Frankfort.

WHEREAS, The remains of Captain John Howell, a patriot and soldier of the war of the revolution, sleep in an obscure and unnoticed spot in the county of Ohio, in this State; and whereas, to keep alive in the bosom of the youth of our land the same patriotic fervor that filled the hearts of those who gave us our liberties, it is meet that we should pay the highest honors to the remains of the heroes of that war; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

1. That his Excellency the Governor is authorized to appoint two persons to proceed to Ohio county, who shall secure and convey to the State Cemetery at Frankfort the remains of Captain John Howell, and inter them therein; and he is further authorized to cause to be erected over said remains a suitable monument, bearing an appropriate inscription.

2. The sum of two hundred dollars is hereby appropriated out of the Treasury, out of any money not otherwise appropriated, to pay the expenses of said removal, and for the erection of said monument.

Approved January 27, 1874.

No. 18.

RESOLUTION extending the session of this General Assembly beyond the constitutional limit of sixty days.

WHEREAS, The business now before the present General Assembly demands an extension of the session; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky :

1. That the present session of the General Assembly be extended beyond the sixty days prescribed by the Constitution.

1874.

2. *Resolved*, That the present session shall not be extended beyond the 23d day of February, except by a vote of two thirds of all the members elected to each House of the General Assembly.

3. *Resolved*, That when the present General Assembly shall adjourn, it shall adjourn *sine die*.

4. This resolution shall take effect from and after its passage.

Approved January 27, 1874.

No. 19.

RESOLUTION directing the firing of a national salute on the 8th day of January and 22d of February, 1874.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Quarter-Master General is hereby directed to cause to be fired a national salute on the 8th day of January, 1874, and also on the 22d day of February, 1874, in commemoration of the battle of New Orleans and the birthday of Washington.

2. *Resolved*, That the Auditor be directed to draw his warrant on the Treasurer for the cost of the same.

3. *Resolved*, That the Sergeant-at-Arms of the House of Representatives be required to hoist the national flag on the dome of the Capitol, and that it remain hoisted each day this General Assembly remains in session, and that the Auditor be directed to draw his warrant on the Treasurer for the cost of the flag.

Approved February 3, 1874.

No. 20.

RESOLUTION directing Public Librarian to purchase certain books.

WHEREAS, The acts of the General Assembly of this Commonwealth for the years 1803, 1804, 1805, and 1810 are not now in the State Library, and it is important that they should be in the Library; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Public Librarian be directed to procure, by purchase or otherwise, the missing volumes of the public acts referred to in the preamble, or any part of them, and place the same in the Public Library.

2. The Auditor of Public Accounts shall draw his warrant on the Treasurer for the payment for the same when he shall be satisfied that they have been placed in the Public Library: *Provided*, They shall not cost more than five dollars per volume.

Approved February 6, 1874.

RESOLUTIONS.

81

No. 21.

1874.

RESOLUTION directing the Governor to purchase Hart's busts of Clay and Jackson.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That the Governor of this Commonwealth be, and he is hereby, directed to purchase the busts of General Andrew Jackson and Henry Clay sculptured and now owned by Joel T. Hart, and that the sum of seventeen hundred dollars is appropriated for that purpose, and the Auditor is hereby authorized and directed to draw his warrant on the Treasurer for that sum.

2. This resolution shall take effect from its passage.

Approved February 20, 1874.

No. 22.

RESOLUTION directing the Governor to have offices prepared for the Superintendent of Public Instruction in "The Fire-proof Offices" in Frankfort.

Resolved by the General Assembly of the Commonwealth of Kentucky:

1. That for the purpose of fitting up two rooms as an office for the Superintendent of Public Instruction in the building known as the Fire-proof Offices in the city of Frankfort, there is hereby appropriated, out of any money in the Treasury, the sum of twelve hundred dollars.

2. The Governor is authorized to have said work done on the best terms that he can make, not to exceed said amount; and upon his order the Auditor of Public Accounts shall draw his warrant on the Treasury in payment for the same.

Approved February 23, 1874.

No. 23.

RESOLUTION appropriating one hundred and fifty dollars to S. I. M. Major.

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of S. I. M. Major, Public Printer, for the sum of one hundred and fifty dollars, that being the discrepancy between his account as rendered to the General Assembly for copies of the Kentucky Yeoman furnished the members during the present session, and the same allowed him as compensation by the general appropriation bill.

Approved February 23, 1874.

RESOLUTIONS.

1874.

No. 24.

RESOLUTION directing the Governor to provide for such pauper lunatics as cannot be accommodated in the several lunatic asylums.

WHEREAS, Information deemed reliable has been received by this General Assembly that the asylum for colored lunatics at Lexington is full, and the three asylums provided for white lunatics are very near full to their utmost capacity. That there are quite a number of colored lunatics confined in the jails through the State; and whereas, provision has already been made by this Legislature for the erection of buildings at the Central Asylum, with a view to receiving therein colored lunatics, and enlarging the capacity of the institution for whites, but it is not probable that such accommodations can be completed before the latter end of the present year, and it is desirable, if possible, to afford a more humane provision for the suffering lunatics than the common jail; therefore,

Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor is directed to see to it that each of the asylums provided by law for the reception and treatment of the insane are kept full to their utmost capacity, so long as there are any lunatics in the State unprovided for. And he is authorized to procure a building or buildings, if he can do so, for the temporary reception, care, and treatment of any excess of such unfortunates, and have them removed thereto, and kept and treated and provided for until they can be received in the asylums. He shall certify the additional cost incurred over the sums now allowed by law to the Auditor of Public Accounts, who shall draw his warrant upon the Treasurer for the same, and it shall be paid out of the Public Treasury. But the colored and white lunatics shall not be kept in the same buildings.

Approved February 23, 1874.

No. 25.

JOINT RESOLUTION in regard to the rolls of Kentucky soldiers in the Mexican war.

WHEREAS, By a fire, which occurred at the State Capital in the year 1865, many of the State documents were destroyed, amongst them the records of the war with Mexico; and whereas, there is not now a single muster-roll or any other documentary paper showing who were soldiers in said war, when they volunteered, or were mustered out; and whereas, it is altogether important to have such records on file in the War Department of the State for future use; and whereas, there are full and complete rolls in the office of the War Department in Washington; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky: 1874.

That our Senators in Congress be instructed, and our Representatives requested, to secure the passage of a resolution through the Congress of the United States directing the Secretary of War to furnish the State of Kentucky with a full and complete roll of all the soldiers furnished by her to the army engaged in the war with Mexico.

Approved February 23, 1874.

No. 26.

RESOLUTION to provide for the removal of the remains of John C. Mason to the State Cemetery.

WHEREAS, From time immemorial every civilized people have had an instinctive desire to revere and honor the memory of their illustrious dead, and to beautify and adorn their graves; and in no country has that desire prevailed to a greater or more laudable extent than in our own; and whereas, the late John C. Mason was, for many years, an honored Representative in the Kentucky Legislature, three times elected to the Congress of the United States from Kentucky, and a gallant officer in the Mexican war, where, under the bold and peerless McCullough, he distinguished himself as a brave and daring soldier in the bloody conflict at Monterey, whereby, in consideration of his services to his State and country, his memory is dear to the people of Kentucky, and his history is inseparably connected with that of our most distinguished statesmen and soldiers whose remains have found a fit resting-place in the beautiful cemetery that overlooks our Capitol; and whereas, it is just and right that he should rest in death in the company of those who were his associates in life; therefore,

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

That the Governor is directed to have his remains removed from their present obscure resting-place in Louisiana, and have them interred in the State Cemetery, and that a suitable monument be erected to perpetuate his memory; and to enable the Governor to perform the duties hereby required of him, the sum of three hundred dollars is appropriated for that purpose, out of any money in the Treasury not otherwise appropriated.

Approved February 23, 1874.

INDEX TO PUBLIC ACTS.

AGENT OF AUDITOR—	
Act in relation to repealed	67
Duties to be performed by county attorney	67
ALIEN—	
Right to recover, inherit, &c.	70
APPEALS—	
If case is reversed by Court of Appeals and remanded for new trial, same can be had by filing mandate in circuit court, and giving ten days' notice	5
APPORTIONMENT—	
Act to apportion representation in the Senate and House of Representatives ..	33
APPROPRIATIONS—	
\$33,500 appropriated for certain surveys	27
General act of appropriation	70
\$60,000 appropriated to pay for work already completed on Fourth Lunatic Asylum	6
ASSESSOR—	
Voting precincts to constitute revenue districts	47
Duties of assessor	47, 48
ASYLUMS—	
\$60,000 appropriated to pay for work already done on Fourth Lunatic Asylum	6
Act establishing Central Kentucky Lunatic Asylum	29
Act re-establishing Feeble-minded Institute	51
Law in relation to pay patients in lunatic asylums amended	50
ATTORNEY GENERAL—	
Partner of cannot defend in certain cases	23
Penalty	23
Postage provided for	12
BATH—	
Court of common pleas	24
BIRTHS—	
Act providing for registration of	13
BONDS—	
Sheriffs' bonds lawful if executed at February or March, terms, 1874, of county county	8
BOTANICAL SURVEY—	
Act in relation to	27

BOURBON—	
Court common pleas established	24
BOUNDARY LINE—	
Between Jefferson and Oldham	7
BULLS, &c.—	
Act in relation to continued in force	19
BUTLER—	
County court	10
CALDWELL—	
Time of holding county court	36
CARROLL—	
County court	69
CENTRAL KENTUCKY LUNATIC ASYLUM—	
Act establishing	29
CHANCERY COURTS—	
To be held in Madison on fourth Monday in June	18
Provision for successor, &c., in case of death of judge during session of court	5
CHANGE OF VENUE—	
General Statutes amended so as to perfect law in relation to	28
CHARITABLE INSTITUTIONS—	
Act re-establishing Feeble-minded Institution	51
Act in relation to pay patients in lunatic asylums	50
CHRISTIAN—	
Quarterly court	1
CIRCUIT COURTS—	
Provisions for successor, and in case of death of judge during session of court	5
Time holding Pulaski circuit court	61
Time holding Garrard circuit court	8
CIVIL CODE—	
So amended as to require clerks to enter in full the return of officer on summons	31
So amended that by filing mandate of Court of Appeals, and giving ten days' notice, the case can be tried, &c.	5
CLAIMS—	
Claims of certain soldiers and officers to be paid	30
General act of appropriation	70
CLERKS—	
To enter in full return of officer on summons	31
Certain clerks permitted to practice law in unfinished cases	7
Act for the benefit of, continued for two years	69
COAL OIL—	
Act to regulate sale of coal oil, &c.	40

INDEX.

87

COMMISSIONERS—	
Provision made for filling vacancy of during vacation	21
COMMONWEALTH'S ATTORNEYS—	
Partners of cannot defend in certain cases	23
COMMON PLEAS—	
Court of established in the counties of Fayette, Bourbon, Bath, Madison, Woodford, and Scott	24
Provision for successor, and in case of death of judge during session of court, ...	5
COMMON SCHOOLS—	
Act to establish system of common schools for the colored children of this Commonwealth	63
Act in aid of	2
Certain schools legalized	2
Provision made for payment of teachers	3
Amendments to perfect chapter eighteen of General Statutes	61
CONSTITUTIONAL CONVENTION—	
Act in relation to calling constitutional convention	3
CONTRACTS—	
All statements and description in applications for policies to be deemed rep- resentations not warrantees	20
Gold, silver, or currency loaned by corporations binding on all parties	9
CONVENTIONS—	
Act in relation to calling constitutional convention	3
CONVICTS—	
Additional pay for conveying convicts to penitentiary	20
CORPORATIONS—	
Gold or silver and currency loaned by corporations legalized	9
To file statement of their affairs in twenty days after first of January with Auditor, and with the Treasurer on or before the twentieth day of January, ...	19
COUNTY ATTORNEY—	
To perform certain duties that were required of agents of the Auditor	67
Compensation	67
Partners of cannot defend in certain cases	23
COUNTY COURTS—	
Time holding Lee county court	7
Caldwell county court	36
Bart county court	9
Lee county court	9
Act to change the time of holding the Owen county court	68
Carroll county court	69
COUNTY LEVIES—	
Sheriff to bid in property for taxes when there are no bidders	36
COURTS—	
Act providing for successor, &c., of judge who dies during session of court ..	5
Court of common pleas established in Fayette, &c.	24

COURTS—Continued.

Criminal court established in the 11th judicial district.....	37
Jurisdiction of quarterly courts in certain counties increased to \$200	32
Time of holding courts in the thirteenth judicial district.....	31
Act to change the time of holding courts in the twelfth judicial district ...	60

CRIMINAL COURT—

To be held in Madison on fourth Monday in June.....	18
Act establishing court in the eleventh judicial district	37

CRIMES AND PUNISHMENTS—

Railroad companies required to fix chimneys so as to prevent sparks from flying.....	15
Penalty and responsibility for damages.....	15
Unlawful for partners of Attorney General, Commonwealth's and county attorneys, to defend persons they are required to prosecute officially	23
Penalty	23
Penalty for transporting persons across Ohio and Mississippi within one mile of a ferry	20
Penalty against innkeepers for embezzling goods of guests.....	22
Penalties under act to regulate sales of oils, &c.....	41
Unlawful for mortgagor to sell mortgaged personal property	69
Penalty	69
Unlawful to practice medicine without diploma or certificate from board of examiners	55
Penalty	57

CUMBERLAND AND OHIO RAILROAD—

Authority given trustees of certain towns to locate road.....	46
---	----

CURTESY—

Divorce <i>a vinculo</i> bars claim for curtesy, &c.	32
---	----

DEATHS—

Act to provide for registration of	13
Requisites of law.....	13, 14

DEEDS, &c.—

How put to record when record book-lost	15
---	----

DIPLOMA—

From Kentucky University equivalent to licenses to practice law	22
---	----

DIVORCE—

From bonds of matrimony bars all claim for dower, &c.....	32
---	----

DESCENT AND DISTRIBUTION—

Alien given the right to inherit, &c.	70
Statute of amended for benefit of the mother	26

DOWER—

Divorce <i>a vinculo</i> bars claim for dower	32
---	----

ELECTIONS—

Act fixing time of Senatorial elections.....	70
In regard to stopping the sale of spirituous liquors	10, 11

INDEX.

89

EMPIRICISM—

Act to protect citizens of this Commonwealth from 55

ERRATA—

Chapter 18, General Statutes..... 61

Chapter 90, General Statutes..... 68

EVIDENCE—

Incompetent for priests, &c., to testify as to certain communications made to them..... 12

FARMERS—

Act giving them lien for grazing cattle, &c..... 23

FAYETTE—

Court of common pleas established 24

FEES—

Additional pay for conveying convicts to Penitentiary 20

LEE—

Time of holding county and quarterly courts changed..... 7

FEE BILLS—

Act for the benefit of late clerks, &c., to collect fee bills continued in force... 69

FEEBLE-MINDED INSTITUTE—

Act to re-establish..... 51

FINES—

Act to secure payment of..... 57

GARRARD CIRCUIT COURT—

Time holding..... 8

GENERAL ASSEMBLY—

Time of meeting changed to 31st of December 32

Act of apportionment..... 33

GENERAL STATUTES—

So amended as to perfect law on tippling-houses..... 25

Amended so as to perfect chapter on "Contempts"..... 25

Amended so as to perfect chapter on "Change of Venue" 26

Amended so as to make it fine for certain persons to transport persons across Ohio and Mississippi rivers for pay..... 20

So amended as to provide for criminal and chancery court in Madison county 18

Time of reports to be made by corporations changed..... 19

So amended as to appoint commissioners, &c., during vacation..... 21

Chapter on "Descents" amended for benefit of the mother 26

So amended as to allow additional pay to officer for carrying convicts to Penitentiary 20

Sections four, eight, and nine in relation to small-pox repealed..... 26

Duty of county court to have poor vaccinated..... 26

GEOLOGICAL SURVEY—

Act in relation to 27

HARRISON—	
Time holding circuit court, &c.-----	60
HART—	
Quarterly and county courts -----	9
INHERITANTS—	
Alien given the right of -----	70
INNKEEPERS—	
Act to regulate responsibility of -----	22
INSURANCE—	
All statements and descriptions in applications for policies to be deemed representations, not warranties-----	20
JAILERS—	
Act for benefit of continued for two years -----	69
JEFFERSON—	
Boundary line-----	7
JUDGES—	
Act providing for successor of judge who dies during session of court-----	5
JUDICIAL DISTRICTS—	
Criminal court established in the eleventh judicial district-----	37
Time of holding courts in the thirteenth judicial district -----	31
JURISDICTION OF JUSTICES—	
Increased in certain counties to \$100-----	15
Appeals regulated,-----	16
JURISDICTION—	
Of quarterly courts in certain counties increased to \$200 -----	32
Act to increase jurisdiction of justices of the peace in certain counties to \$100 -----	63, 68
JUSTICES OF THE PEACE—	
Jurisdiction increased in the counties of Crittenden, Caldwell, &c.-----	15
Appeals regulated -----	16
Act to increase jurisdiction of in certain counties to \$100 -----	63, 68
KENTON—	
Time of holding circuit court, &c. -----	60
KENTUCKY UNIVERSITY—	
Diploma from equivalent to license to practice law -----	22
LAWYERS—	
Lawyers who were elected clerks permitted to finish certain cases -----	7
LEE COUNTY—	
County and quarterly courts -----	9
LICENSE FEES—	
Act to secure payment of-----	57
LIEN—	
In favor of livery-stable keepers, farmers, &c. -----	23
Act in relation to lien for services rendered by stud-horses, &c., continued in force -----	19

INDEX.

91

LIVERY-STABLE KEEPERS, &c.—	
Act of January, 1871, made general	23
Lien extended to farmers for grazing, &c.....	23
LOANS—	
Corporations have the right to loan gold, silver, or currency	9
LOGAN—	
Lien under stud-horse law to be enforced in twelve months after birth of off-spring.....	19
LUNATIC ASYLUMS—	
Act establishing Central Kentucky Lunatic Asylum.....	29
Act amended in relation to paying by patients, &c.	50
\$60,000 appropriated to pay for work done on Fourth Lunatic Asylum	6
LUNATICS—	
Compensation for conveying pauper lunatic to asylum.....	60
MADISON—	
Court common pleas	24
Criminal and chancery courts to be held on fourth Monday in June.....	18
MARRIED WOMEN—	
Receipt of in certain cases made lawful.....	27
MARRIAGES—	
Act to provide for registration of.....	13
MASTER COMMISSIONERS, &c.—	
Provision made for filling vacancy of commissioner in vacation	21
MEDICINE—	
Unlawful to practice medicine without diploma or certificate from State Board	56
MEDICAL EXAMINERS—	
State Board of Medical Examiners to be appointed by the Governor.....	56
MINERALOGICAL SURVEY—	
Act in relation to	27
MISSISSIPPI RIVER—	
Act protecting owners of ferries across.....	20
MORTGAGED PERSONALTY—	
Unlawful for mortgagors to sell same.....	69
MORTGAGES—	
How put to record, &c., when record-books lost	15
NEGROES—	
Act to establish common schools for colored children in this State.....	63
NEGLIGENCE—	
Railroad companies responsible for damages caused by sparks from engine ..	15
NEW TRIAL—	
New trial ordered by Court of Appeals can be had by filing mandate in circuit court, and giving ten days' notice thereof.....	5
OFFICERS AND SOLDIERS—	
Act for benefit of certain officers and soldiers who served in Carter county in 1866	30
Claims to be proven, &c.....	30

OFFICERS—	
Allowed additional fee for conveying convicts to Penitentiary	20
OHIO RIVER—	
Act protecting owners of ferries across	20
OILS—	
Act to regulate sale, &c., of oils, &c	40
Inspector and his duties	40, 41
Penalty	41
OLDHAM—	
Boundary line	7
OWEN—	
Act to change term of county court	68
PAUPER LUNATICS—	
Compensation for conveying to lunatic asylum	60
PENDLETON—	
Time holding circuit court	60
PENITENTIARY—	
Rent of raised to \$12,000	47
PHYSICIANS—	
Unlawful to practice medicine without diploma or certificate from State	
Board	56
Penalty	57
POSTAGE—	
Provided for Attorney General and Treasurer	12
PRACTICE IN CIRCUIT COURT—	
When case is reversed by Court of Appeals, and new trial ordered, it can be	
had at next term of circuit court, by filing mandate of Court of Appeals in	
circuit court, and giving opposite party ten days' notice	5
PRIESTS—	
Incompetent to testify as to certain communications made to them	12
PROCESS—	
Manner of service on railroad company	8
PUBLIC PRINTING, &c.—	
Contract for to be given to best residents, &c., in State	68
PULASKI—	
Time holding circuit court	61
QUARTER-MASTER—	
To pay claims of certain soldiers and officers	30
Claims to be proven, &c.	30
QUARTERLY COURTS—	
Lee quarterly court	9
Butler quarterly court	10
Hart quarterly court	9
Time holding Lee quarterly court	7
Jurisdiction of in certain counties increased to \$200	32
Christian quarterly court	1
Shelby quarterly court	12

RAILROAD COMPANIES—

Manner of serving process	8
Required to fix chimneys so as to prevent sparks from flying.....	15
Penalty and responsibility for damages.....	15

REAL ESTATE—

Aliens given the right to recover, inherit, &c.	70
--	----

RECEIPTS—

Receipt of married woman in certain instances made lawful	27
---	----

RECORDS—

How deeds, &c., put to record when record-book is lost.....	15
---	----

REGISTRATION—

Act to provide for the registration of marriages, births, and deaths.....	13
Requisites of law	13, 14

REPRESENTATIVES—

Act of apportionment.....	33
---------------------------	----

RESOLUTIONS—

Relating to revising the Constitution	74
In relation to apportionment.....	74
Directing furnishing copies General Statutes to State Librarian for certain uses.....	74
Concerning stationery for Clerks of Senate and House	75
In relation to printing Journals of two Houses.....	75
Calling for report of Commissioners to revise the Code of Practice	75
Calling on the Auditor for certain information	75
In reference to Bible for State Library	76
Directing the Auditor to furnish certain statistical information.....	76
In relation to recess of General Assembly.....	76
To pay officers per diem.....	77
Fixing day of election for certain public officers.....	77
Concerning remains of Greenup and Madison, and erection of monuments ...	77
In relation to the creation of additional judicial districts	78
Concerning the aid of the Federal Government to the Geological State Sur- vey.....	78
Asking repeal of bankrupt law.....	79
Providing for the removal of the remains of Capt. John Howell.....	79
Extending session.....	79
Directing the firing of a national salute on the 8th day of January and 22d of February.....	80
Directing Public Librarian to purchase certain books	80
To provide for the removal of the remains of John O. Mason to the State Cemetery.....	83
Directing the Governor to purchase Hart's busts of Clay and Jackson	81
Directing Governor to have offices prepared for Superintendent Public In- struction, &c.	81
Appropriating \$150 to S. I. M. Major.....	81
Directing the Governor to provide for such pauper lunatics as cannot be ac- commodated in the several asylums.....	82
In regard to the rolls of Kentucky soldiers in the Mexican war.....	82

REVENUE AND TAXATION—

Voting precincts to constitute revenue districts.....	47
Duties of Assessor	47, 48
Act to secure the payment into the Treasury of all fines, taxes, and license fees collected by trustees of the jury fund, clerks, and other officers.....	57
Law in relation to Agent of Auditor repealed.....	67
County attorney to perform duties of agent, &c.....	67

RIVERS—

Act protecting owners of ferries across Mississippi and Ohio rivers	20
Act to provide for the improvement of Rockcastle river	16

ROCKCASTLE RIVER—

Act to provide for the improvement of	16
---	----

SALES—

Unlawful for mortgagor to sell mortgaged personalty.....	69
--	----

SALE OF SPIRITUOUS LIQUORS—

Act to regulate sale of	10
Manner of taking vote as to stopping sale of same.....	10, 11

SCOTT—

Court common pleas	24
--------------------------	----

SCHOOLS, COMMON—

Act in aid of.....	2
Pay of teachers	2, 3
Act to establish system of common schools for the colored children in this Commonwealth.....	63
Amendments to perfect chapter eighteen of General Statutes.....	61

SECRETARY OF STATE—

To give contract of printing and binding to best resident, &c.	68
---	----

SENATORIAL DISTRICTS—

Act fixing time of election in	70
--------------------------------------	----

SERVICE OF SUMMONS—

How served on railroad company	8
--------------------------------------	---

SHELBY—

Quarterly court	12
-----------------------	----

SHERIFFS—

To bid in certain property for amount of taxes when there are no bidders ...	36
Act for benefit of continued for two years	69
Made lawful to execute bond on or before the February or March terms of county court.....	8

SMALL-POX—

Sections four, eight, nine, of General Statutes in relation to repealed	26
County court to have poor vaccinated	26

SOLDIERS—

Claims of certain officers and soldiers to be paid, and how	30
---	----

SPIRITUOUS LIQUORS—

Act to regulate sale of	10
How vote to be taken	10, 11

INDEX.

95

STUD-HORSES, &c.—

Act in relation to continued in force..... 19

SUMMONS—

How served on railroad company 8

Clerks to enter in full the return of officer on summons..... 31

SURVEYS—

Act continuing the geological and other surveys now in progress..... 27

TAXES—

Act to secure payment of..... 57

Voting precincts to constitute revenue districts 47

Duties of assessors 47, 48

Sheriff to bid in property for taxes when there are no bidders 36

TEACHERS—

Provision made for payment of teachers of common schools 2, 3

TREASURER—

Postage provided for..... 12

WHISKY—

Act to regulate sale of 10

Manner of voting to stop sale..... 10, 11

WOODFORD—

Court of common pleas..... 24

LOCAL AND PRIVATE ACTS
OF
THE STATE OF KENTUCKY,

PASSED AT THE REGULAR SESSION OF THE
GENERAL ASSEMBLY, WHICH WAS BEGUN
AND HELD IN THE CITY OF FRANK-
FORT ON MONDAY, THE FIRST
DAY OF DECEMBER, 1873.

P. H. LESLIE, *Governor.*
JOHN G. CARLISLE, *Lieut. Gov'r and Speaker of Senate.*
JAMES B. McCREARY, *Speaker of the House of Reps.*
GEO. W. CRADDOCK, *Secretary of State.*
JOHN RODMAN, *Attorney General.*

CHAPTER 2.

AN ACT to authorize the voters of the city of Mayfield to vote upon the proposition as to whether spirituous, malt, or vinous liquors shall be sold within the corporate limits of said city, or within one mile thereof.

1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on the 22d day of December, 1873, there shall be submitted to the voters of the city of Mayfield the proposition whether there shall thereafter be sold, as a beverage, in said city, any spirituous, malt, or vinous liquors.

¹ Time of election fixed.

§ 2. The officers holding said election shall open a poll "for," and a poll "against," the sale of such liquors in said city, and shall demand of each voter casting his vote whether he votes for or against said proposition, and so

Polls to be opened for and against license, & county court not to issue license if majority vote against it.

1873. record the same. If a majority of said votes be cast against the sale of said liquors, the clerk of said election shall so certify to the judge of the county court of Graves county; and it shall be unlawful for him, and for the city authorities of said city, thereafter to grant license to vend such liquors within the corporate limits of said city, or within one mile thereof, to hotel-keepers, tavern-keepers, merchants, or to any one, except as hereinafter provided; and any such license granted by such county judge or city authorities shall be null and void: *Provided*, That the provisions of this act shall not apply to licenses heretofore granted until the said licenses shall have expired.

Penalty for selling and manner of proceeding for violating same.

§ 3. That any one who shall, after said vote has been taken, and the same being against the sale of such liquors, vend, sell, give, or furnish in any way to any one such liquors, he, she, or they so offending shall be fined the sum of one hundred dollars for each offense, to be recovered by warrant in the name of said city of Mayfield, before the judge of said city. The fines so recovered, when collected, shall be paid to the treasurer of said city, and by him held as such treasurer.

County court judge to prosecute, by warrant, offenders.

§ 4. That the judge of said city shall have the power, and it is hereby made his duty, to issue his warrant of arrest against any person violating any provision of this act, to try the same, to render judgment thereon, and to enforce the collection of same by execution or by *capias pro fine*, in the name of said city.

Duty of marshal when offense is committed, &c.

§ 5. The marshal of said city shall have the power, and it is hereby made his duty, to execute the warrant of arrest issued by said city judge, as herein provided; and also power to collect such fines as may be inflicted under the provisions of this act, upon the process therefor issued by said city judge. Upon the arrest of any person violating the provisions of this act, upon the warrant of arrest, and his failure to give bond for his appearance at the trial, or upon his arrest upon *capias pro fine*, such officer shall commit the said offender to the custody of the jailer of Graves county, there to remain until the time fixed for his trial, or until the fine inflicted and costs of prosecution are paid in money, or until the fine is satisfied at the rate of two dollars per day by remaining in said jail. Said warrant, execution, and *capias pro fine* may also be directed to the sheriff or any constable of Graves county; and such officer shall have the same powers in regard to same as are herein conferred upon the marshal of said city.

County judge and city council to grant license to druggists.

§ 6. The judge of the Graves county court, and the council of said city, shall have the power to grant license to such person or persons as are bona fide druggists, and

only to such, to sell spirituous liquors for medical and sacramental purposes, and only for such purposes.

1873.

§ 7. That before said license is granted, the applicant shall take an oath before said county judge that he will not sell, give, or in any way furnish, to any one, such spirituous liquors, except for medical or sacramental purposes; and shall execute bond, with good security, before said county judge, in a penalty to be fixed by said county judge, with the condition that he will sell or furnish such spirituous liquors for medical or sacramental purposes only, and that he will not suffer or permit the same to be drunk as a beverage upon his premises. Upon the violation of his said bond, he shall be fined for each offense the sum of fifty dollars, to be recovered off of him and his surety or sureties, as provided for in sections four and five of this act.

Applicant to take oath & give bond.

§ 8. That the person or persons to whom license shall be granted as aforesaid to sell, give, or in any way furnish such liquors, may require of the person or persons applying therefor a certificate, in writing, signed by a practicing physician, that such liquors are necessary for medical purposes: *Provided*, That the person or persons furnishing such liquors, without such certificate, shall be equally responsible with the person or persons furnished for all fines imposed upon the party or parties furnished, for a misuse of such liquors, and equally bound for all damage done to the person or property of another by the person or persons so furnished while under the intoxicating influence of the liquors so furnished, to be recovered of him and his sureties as provided for in the fourth and fifth sections of this act.

Persons applying for liquors, &c., required to produce certificate of physician.

§ 9. That any person to whom such license shall be granted, upon the second conviction of the violation of the provisions of this act, shall forfeit such license, which shall then become null and void, and upon his attempt to sell under the same, he shall be fined as provided for in section three of this act, to be recovered as provided for in sections four and five of the same, and be forever disqualified from obtaining license to sell such liquors in said city.

License forfeited for second violation of this act.

§ 10. That no physician shall prescribe such spirituous liquors, save for medical purposes only, and in cases of actual necessity for same as a medicine; and if any physician shall prescribe same, having reasonable ground to believe, or knowing that same is to be used, as a beverage, and same is used as a beverage, such physician shall be fined the sum of twenty-five dollars, to be recovered as provided for in sections four and five of this act.

Physician shall prescribe only for medicinal purposes, & penalty attached against physician.

1873.

Places of holding election, and officers conducting the same, & manner thereof.

§ 11. Said election shall be held in the office of the judge of said city, being the east ground floor room of the house occupied by W. M. Cargill as a hotel, and the voting place of the Second Ward of said city. The judge of the Graves county court shall appoint two fit and proper judges, a clerk and sheriff, to take said vote, who shall be by him sworn to faithfully perform their duty under this act. Said judges shall decide who are legal voters, order their votes to be recorded, and preserve order while said vote is being taken. The clerk shall record the votes so given for or against said proposition, and the sheriff shall preserve order while said vote is being taken. When said vote is taken the poll-book shall be, by said judges and clerk, certified to the council of said city, and an entry made upon the record book of said city council of the result of said vote.

If proposition fails at first election, to be submitted again, and mode of so doing.

§ 12. That should said proposition fail, at the first vote thereon, to exclude the sale of such liquors, it shall be resubmitted to the voters of said city at any election for city officers thereafter held, upon the request of twenty citizens of said city, or the council of said city may order the same to be resubmitted at any time after said first election, and shall have the power to fix the time and place of holding said election, and to appoint the officers necessary to hold same.

§ 13. That any person voting illegally in said election shall be subjected to the same penalties, and be dealt with as now prescribed by the general law of this Commonwealth.

§ 14. This act shall be in force and take effect from and after its passage.

JAMES B. McCREARY,
Speaker of the House of Representatives.
JOHN G. CARLISLE,
Speaker of the Senate.

Approved December 15, 1873.

By the Governor:

P. H. LESLIE.
G. W. CRADDOCK, *Secretary of State.*

CHAPTER 3.

AN ACT to repeal an act, entitled "An act to regulate and create the office of county treasurer in the counties of Perry and Harlan," approved April 21, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to regulate and create the office of county treasurer in the counties of Perry and

Harlan," approved April 21, 1873, be, and the same is hereby, repealed. 1874.

§ 2. This act shall take effect and be in force from its passage.

Approved December 15, 1873.

CHAPTER 4.

AN ACT for the benefit of the county court of Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of raising means to defray county expenses, the county court of Breckinridge county is authorized and empowered, annually, at its court of claims, or at such other times as it may be convened by order of the presiding judge for said county, a majority of all the justices of the peace in and for said county being present and concurring therein, to levy an ad valorem tax not exceeding ten cents on each one hundred dollars worth of property in said county. The sheriff of said county shall collect said tax, and account for and pay over same as now required by law to pay over and account for county levy; and for this purpose shall have all the powers of distress as provided by law in collection of State revenue; and said sheriff and his sureties in bond for collection of county levy of said county shall be liable on said bond for the faithful collection and accounting for same.

County court
may levy tax.

Power and duty
of sheriff.

§ 2. This act shall take effect and be in force from and after its passage.

Approved December 15, 1873.

CHAPTER 5.

AN ACT to repeal an act, entitled "An act to authorize the Pike county court to issue bonds for court-house and other purposes."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to authorize the Pike county court to issue bonds for court-house and other purposes," approved March 5th, 1873, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved December 16, 1873.

1873.

CHAPTER 6.

AN ACT for the benefit of Pike county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Pike county shall have the further time of two years in which to provide the fire-proof vaults now required by law for the preservation of the county records.

§ 2. This act shall take effect from and after its passage.

Approved December 16, 1873.

CHAPTER 7.

AN ACT to amend the charter of the Bourbon County Agricultural Society and the laws in relation thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Owners of stock
to be members of
corporation.

§ 1. That the charter of the Bourbon County Agricultural Society and the laws in relation thereto, be so amended, that hereafter the ownership of one share of stock in the real estate of the said society shall constitute the owner thereof a member of said society. Membership in said society shall only entitle a person to show stock and other articles free of charge at the annual fairs, and to vote at all meetings of said society.

Fee for membership
and rights.

§ 2. Any person may become an annual member of said society by the payment of two dollars, at such times as fixed by the directors, and by subscribing to the constitution and by-laws of said society.

Restrictions of
privileges.

§ 3. All members shall pay gate fees as other persons, and no membership tickets shall be issued by the board of directors.

Rate of interest
on stock.

§ 4. All persons owning stock in the real estate of said society shall be paid interest, at the rate of six per cent. per annum, on all such stock, not exceeding three shares: *Provided*, Such amount shall be called for within sixty days after each annual fair.

§ 5. No stockholder or member shall be entitled to more than one vote in any meeting of said society.

§ 6. All laws in relation to the Bourbon County Agricultural Society, and all parts of the charter of said society, which are repugnant to or inconsistent with this act, are hereby repealed.

§ 7. This act shall take effect from its passage.

Approved December 16, 1873.

CHAPTER 8.

1873.

AN ACT authorizing a sale of a portion of the road of the Centreville and Jacksonville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Centreville and Jacksonville Turnpike Road Company are authorized and empowered to sell and convey to Robert F. Johnson, or to any party or parties owning and controlling the Russell Turnpike Road, so much of the road of said first named company as lies between the Fayette and Bourbon county line and the Paris and Georgetown road, at the crossing at Centreville, in Bourbon county, upon such terms as may be agreed upon between said contracting parties.

May sell certain portion of road.

§ 2. Said conveyance shall be by deed acknowledged by the president of said company, and recorded in the clerk's office of the Bourbon county court, and a lien may be retained thereon for the unpaid purchase money, which may be enforced as other liens upon real estate.

How conveyance to be made.

§ 3. Said sale and conveyance shall invest the purchaser with the control, franchises, and profits of said portion of road, and the same may be consolidated with said Russell Turnpike Road, with all the chartered rights, and subject to all the liabilities, which by law appertain thereto.

Conveyance to vest rights in purchaser.

§ 4. This act shall take effect from and after its passage.

Approved December 17, 1873.

 CHAPTER 12.

AN ACT for the benefit of Arnold S. Hardy, jailer of Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of Arnold S. Hardy for two hundred and fifty dollars, to be paid out of any money in the Treasury not otherwise appropriated, that being the amount paid by the said Hardy, out of his own means, for the arrest and delivery of two desperate felons who made their escape from the Marion county jail.

§ 2. This act to take effect from its passage.

Approved December 19, 1873.

1873.

CHAPTER 14.

AN ACT for the benefit of Noah Allen, of Crittenden county.

WHEREAS, Noah Allen, of Crittenden county, was fined in the sum of fifty dollars upon an indictment of a grand jury, at a previous court, for carrying a pistol, and the payment of said fine was made by said Allen immediately after its assessment, to the trustee of the jury fund. Thirty-five dollars of said fine was remitted by the Governor of this Commonwealth, Hon. Preston H. Leslie, which amount so remitted by the Governor the trustee of the jury fund refuses to pay back to said Allen, he having reported to the Auditor; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of Noah Allen, of Crittenden county, for the sum of thirty-five dollars.

§ 2. This act to take effect from its passage.

Approved December 19, 1873.

CHAPTER 15.

AN ACT for the benefit of Joshua Sharp, of Shelby county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts draw his warrant on the State Treasurer in favor of Joshua Sharp, of Shelby county, Kentucky, for seventy-five dollars, for keeping William Sharp, a pauper idiot, to be paid out of any moneys in the Treasury not otherwise appropriated.

§ 2. This act be in force from its passage.

Approved December 19, 1873.

CHAPTER 16.

AN ACT authorizing a special term of the Muhlenburg circuit court.

WHEREAS, It is represented to the General Assembly that the business of the Muhlenburg circuit court is greatly in arrears, and that at the last term of said court there were over eight hundred cases which could not be reached and tried for want of time; and whereas, by reason of the facts aforesaid, the costs and delays to litigants in said court were very great and burdensome; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1873.

§ 1. That a special term of the Muhlenburg circuit court shall be held, commencing on the first Monday in February, 1874, and continuing twenty-four juridical days, if the business of the court shall so require. Said court, at said special term, shall only try and determine such equity and common law cases as were undisposed of on the docket at the last October term of said court, and such other causes as the parties thereto, with the consent of the court, shall agree to try at such special term.

Time of holding to try equity and common law cases undisposed of.

§ 2. It shall be the duty of the clerk of said court to give notice of the time of holding said special term, and of the object and purposes thereof, in the newspapers published in Greenville, or printed handbills, for at least four weeks before said term is to begin, the expense of which shall be allowed by the court and paid as other claims against the Treasury.

Duty of clerk. Notice required.

§ 3. The clerk of said court shall forthwith prepare the docket for said special term, placing thereon appropriately all the causes authorized to be tried at said term: *Provided*, That only equity causes shall be set for hearing on said docket for the first three days of said special term. He may issue to said special term all such processes and precepts as he might issue to the next regular term of said court.

Clerk to prepare docket, issue process, &c.

§ 4. Causes reached on the docket of said special term, and called for trial, may, if either party thereto is not then ready for trial, be again set for trial at a future day of said special term.

Causes called may be reset at same term.

§ 5. All warrants for the arrest of witnesses, and all other processes in common law or equity cases, on said docket, returnable to the next regular term of said court, if they have not been executed previous to the publication required by the second section of this act, shall be deemed returnable to the said special term and so executed; but if already executed, the same may be re-issued and re-executed returnable to the said special term; and in case of a summons, if executed in sufficient time before said special term begins, it shall have the same effect in entitling parties to trial and judgment as if issued and served to the regular term of said court.

Warrants of arrest and process executed to be tried at special term.

§ 6. A jury shall be selected, summoned, and empaneled for said special term, as far as practicable, in conformity to the General Statutes, except that no jury commissioners shall be necessary; but on the first day of said term the sheriff shall be ordered to summons lawful jurors for the term, the first panel of which shall be summoned for the fourth day of said special term. Jurors

Jury to be selected, & mode and pay.

1873. serving at the special term shall be paid as if serving at a regular term of said court.

Judge Warren
common pleas to
hold the court if
regular judge is
absent.

§ 7. In the absence of the judge of the circuit court for the fourth judicial district the judge of the Warren court of common pleas is hereby authorized to hold said special term of said court; and should he so hold it, he shall be paid therefor the same amount and in the same manner as provided by law for special judges.

If circuit judge
& common pleas
judge both absent
special judge to
be elected, and
pay.

§ 8. In the absence both of the circuit judge and of the said common pleas judge, a special judge or judges shall be elected to hold said special term, conformably to the provisions of the General Statutes. The pay of such special judge shall be as provided for in the General Statutes; but in no event shall the sum paid to judges serving at said special term be deducted from the salary of the circuit judge of said district.

Judgments and
orders to have
effect as though
rendered at regu-
lar term.

§ 9. All orders taken and judgments rendered at said special term shall have the same force and effect as if rendered at a regular term of said court.

§ 10. This act shall take effect from its passage, and shall be entered at large on the order-book of said court preceding the record of the business done on the first day of said special term.

Approved December 20, 1873.

CHAPTER 17.

AN ACT to amend the charter of the Bank of New Castle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the election of directors in the Bank of New Castle shall be held on the first Monday in May in each year, instead of the first of January.

§ 2 That the present directors of said bank shall hold their offices until the first Monday in May next.

§ 3. This act shall take effect from its passage.

Approved December 20, 1873.

CHAPTER 18.

AN ACT to amend an act, entitled "An act to incorporate Millersburg Academy, Barren county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section eleven of said act be so amended that John Underwood and B. C. Elliott be, and are hereby, taken from said thirty-second district and added to the

Lyons district, and that Oty Thomerson and Wm. Ross be, and are hereby, taken from the Roseville district and added to the thirty-second district; also that E. Bertram be, and is hereby, taken from said thirty-second district and added to the Roseville district.

§ 2. This act shall take effect from its passage.

Approved December 22, 1873.

CHAPTER 20.

AN ACT to allow the Washington county court to subscribe stock in the Springfield, Maxville, and Harrodsburg Turnpike Road.

WHEREAS, The General Assembly of Kentucky did, on the 21st day of February, 1849, pass an act, entitled "An act to incorporate the Springfield, Maxville, and Harrodsburg Turnpike Road Company;" and whereas, it is desirable that the said road shall be completed from Maxville to the Washington and Mercer county line; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Washington county court is hereby authorized to subscribe stock in said road to the amount of fifteen hundred dollars to the mile, in order to complete the same as aforesaid, and to levy a tax upon the property of the tax-payers of said county to pay for the stock hereby authorized.

§ 2. That a majority of the justices of the peace of Washington county are hereby authorized to make the subscription as provided for in section one.

§ 3. This act shall be in force from and after its passage.

Approved December 22, 1873.

CHAPTER 21.

AN ACT for the benefit of A. J. Cocanougher, late sheriff of Washington county, and his sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. J. Cocanougher, late sheriff of Washington county, and his sureties, be, and they are hereby, released from payment of the twenty per cent. damages on a judgment rendered against them on the revenue due from Washington county for the year 1872, when the prin-

1873. cipal, interest, and costs shall have been settled in full; and the Auditor of Public Accounts is hereby directed to credit the account of said Cocanougher, and his sureties, by the amount of damages assessed against them on the revenue of 1872.

§ 2. This act shall take effect from its passage.

Approved December 22, 1873.

CHAPTER 23.

AN ACT to amend an act, entitled "An act to amend the act incorporating the Cabin Creek Turnpike Road Company," approved March 29, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to amend the act incorporating the Cabin Creek Turnpike Road Company," approved March 29th, 1873, be, and the same is hereby, amended so that it shall not hereafter be lawful for said turnpike road company to collect tax off of any person or persons who were subject to pay tax in aid of the Concord and Tollesboro Turnpike Road Company previous to the enactment of the said act incorporating the Cabin Creek Turnpike Road Company; and it shall be lawful for the Concord and Tollesboro Turnpike Road Company to collect tax off of said persons as provided in the charter, and amendments thereto of said Concord and Tollesboro Turnpike Road Company.

§ 2. This act to take effect from and after its passage.

Approved December 22, 1873.

CHAPTER 24.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the town of Hopkinsville," approved March 5, 1870; and also to amend chapter 1945 of the acts of 1871, which became a law 6th of March, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

One dollar
stricken out and
one dollar & fifty
cents inserted, in
section 8, article
3.

§ 1. That section eight of article three of an act to amend and reduce into one the several acts concerning the town of Hopkinsville, approved March 5, 1870, be amended by striking therefrom the words "one dollar," where it occurs in said section, and inserting in lieu thereof the words "one dollar and fifty cents."

Vacancy of judge
filled, and mode
and manner of so
doing.

§ 2. That section four of chapter nineteen hundred and forty-five, mentioned in the title of this act, amendatory of the act mentioned in the first section of this act, be amended by adding thereto the following proviso, to-

wit: "*Provided further*, That should a vacancy in the office of the judge of the city court occur, or should the judge of said court be absent at any time, or should he, for any cause, be unable to preside in said court, the board of councilmen shall have power, in their discretion, to appoint a duly qualified person to preside in said court until the next regular election occurring after such vacancy, or until the return of the regular judge, or the removal of his inability to hold said court, as the case may be; such appointee shall have all the power of the regular judge of said court, and shall, before entering upon the discharge of his duties as such, take the several oaths which the regular judge of said court is required by law to take, a certificate of which shall likewise be entered of record in said court, and shall be signed by the officer administering the same."

§ 3. This act shall take effect from its passage.

Approved December 22, 1873.

CHAPTER 25.

AN ACT to amend the charter of the Concord and Tollesboro Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be hereafter lawful for any person teaming on the Concord and Tollesboro Turnpike Road to "rough lock," or lock with a chain, any wagon on said road; and all persons teaming on said road shall be required to use the "rub lock;" and for any violation of this section the offender shall be fined the sum of five dollars for each offense, to be recovered, upon conviction, before a justice of the peace.

Rub-lock to be used in place of rough-lock, a penalty prescribed.

§ 2. The board of directors of said company shall have the power to erect toll-gates on said road, at any points on said road that they may see proper: *Provided*, The toll charged shall amount to no more for each mile of travel than they are now allowed by law to charge.

Power to erect toll-gates prescribed.

§ 3. The taxes that may be listed with the sheriff for collection shall be due from him on the first day of February following the time of listing, and in case of his failure to pay the same over to the treasurer of said road upon demand after that date, he shall be liable, in addition to the full amount listed with him, the sum of five per cent. on the whole amount so listed; and in case the sheriff fails or refuses to pay the same over to the treasurer of the said road as above prescribed, the company may, at the first term of the circuit court for said county,

Sheriff to collect taxes due road—duties fixed, and penalties for failure, &c.

1873.

or at any following term of said court, proceed to obtain judgment against the said sheriff and his sureties for the full amount due said company from him, including the five per cent. penalty.

Duty of sheriff
in collecting and
distraining taxes,
&c.

§ 4. In case the sheriff fails to find any personal property belonging to any tax-payer, who may owe tax to said road, out of which to make the tax, he may, after the first day of December following the time of listing said taxes with him, levy on and sell any real estate in Lewis county that may belong to such delinquent tax-payer to satisfy said taxes. The sheriff, in making sales of real estate under this section, shall proceed in the same manner as when selling land under the existing laws for State revenue, and the person to whom the land belongs shall have the same time to redeem same as is given by law when land is sold for State revenue, and shall be subject to the same penalty.

President of road
to bid at sale for
taxes for the com-
pany.

§ 5. The president of the company may, when there are no other bids sufficient to pay the tax and costs, bid on any lands put up for sale by the sheriff under the preceding section, and in case it is bid off by him for the company, or in case the land is put up and no one bids, the treasurer of the said road shall give the said sheriff credit for the amount of tax against such person.

Treasurer, and
duties defined, to
give bond, &c.

§ 6. The treasurer of said company shall, before entering upon the discharge of his duties, each year execute bond to said company in a sufficient sum to cover the full amount that is likely to go into his hands during his term of office. Said bond shall be taken by the president and directors of said company.

President and
treasurer's sala-
ry, and directors
for services to pay
no toll.

§ 7. The president of said company and the treasurer of said company shall not receive exceeding the sum of twenty-five dollars each per annum, and toll free for themselves and families, for their services, and the directors shall receive no pay for their services, except free toll for themselves and families.

Superintendent
may be appointed
—his salary.

§ 8. The directors may appoint a superintendent of said road, and may allow him a reasonable compensation for his services while actually engaged, to be paid out of the toll collected on said road; and in case a superintendent is appointed, the president shall receive no salary.

Power to levy tax
of fifty cents on
one hundred dol-
lars' worth of
property to aid
road and pay
off outstanding
debts, &c.

§ 9. The county court of Lewis county shall have power to levy an addition tax of not exceeding fifty cents on each one hundred dollars' worth of property now subject to tax in aid of said road, for the purpose of paying off the outstanding bonds of said company: *Provided*, That said additional tax shall not be levied unless a majority of the tax-payers subject to taxation on said road shall first petition the county court to levy said additional tax, and the county court shall have power to levy said tax

only for one year at a time, unless a majority of the said tax-payers shall again petition the said court to levy said tax, and so on each year. 1873.

§ 10. Said additional tax shall not be levied and collected unless the court is satisfied that the bonds of the company can be redeemed at their present valuation, sixty cents on each hundred dollars or less; and no more shall be paid for said bonds out of the fund that may be raised from this additional tax.

No part of tax shall be used in paying interest on bonds.

§ 11. No part of the fund raised from this tax shall be used in paying interest on said bonds, or for any other purpose than above specified.

§ 12. This act to take effect from and after its passage.

Approved December 22, 1873.

CHAPTER 26.

AN ACT for the benefit of the Carroll County Agricultural Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Carroll County Agricultural Association be, and they are hereby, empowered, through their president and directors, to sell and convey any property now held by said association, either real or personal; and that any sale and conveyance which may hereafter be made by said association shall convey to the purchaser thereof which previous to such sale was invested in said association.

President and directors to sell property & convey same.

§ 2. *Be it further enacted,* That the articles of association and charter heretofore adopted, and amendments thereto, recorded in the office of the clerk of the Carroll county court, under which said association was organized and has been transacting its business, be, and the same are hereby, made and declared legal and binding; and all contracts heretofore made, or that may hereafter be made with and by said association, shall be valid and binding on the parties to such contracts.

Articles and charter adopted and filed in county court, declared legal, &c.

§ 3. This act to take effect from its passage.

Approved December 22, 1873.

1873.

CHAPTER 27.

AN ACT to authorize the Logan county court to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Judge and justices authorized to borrow money to pay off bonds.

§ 1. That the judge of the Logan county court, with the concurrence of a majority of the justices of the peace for said county, is hereby authorized to borrow the sum of two hundred thousand dollars, or so much thereof as may be necessary, at any rate of interest not exceeding ten per cent. per annum, payable annually; the sum so borrowed to be used for the purpose of paying off the bonds heretofore issued by said county court in aid of the Memphis Branch of the Louisville and Nashville Railroad Company.

To issue bonds to pay same.

§ 2. That the judge of said court, with the concurrence of a majority of the justices of the peace for said county, is hereby authorized to issue the bonds of said county for the money borrowed under the first section of this act, in any amounts not less than five hundred nor more than one thousand dollars each, to be due and payable at such time as the court may direct, not less than five nor more than twenty years from date.

Tax to be levied, and mode of collecting same

Duty of sheriff.

§ 3. The county court of said county, composed of the county judge and a majority of the justices of the peace for said county, are authorized and empowered to levy an ad valorem tax annually on all the property in said county listed for taxation for revenue purposes, to pay the interest on the money borrowed under this act; which tax shall be collected by the sheriff of said county, under the same responsibility of himself and sureties, for the same compensation as is now allowed for collecting State revenue.

Mode of disposing of bonds issued.

§ 4. That the county court of said county, composed of the county judge and a majority of the justices of the peace for said county, are hereby authorized to elect or appoint an agent to sell the bonds issued under this act, and to receive the proceeds of said sales and pay them over to the holders of said county bonds, issued in aid of the Memphis Branch of the Louisville and Nashville Railroad; and to require from said agent a bond, with approved security, for a faithful performance of his duties under the provisions of this act.

Bonds to be signed by judge and clerk.

§ 5. The bonds issued under this act shall be signed by the county judge of said county, and countersigned by the county clerk of said county.

§ 6. If the sheriff of said county shall be unwilling to collect the tax referred to under section third of this act, or shall fail or refuse to give bond for the collection thereof, the county court is authorized to elect a collector, who shall be required to give bond for the faithful performance of his duties, with approved security; and the person so elected shall be required to take an oath for the faithful performance of his duties, and shall have the same powers for the collection of said tax which sheriffs now have by law for the collection of State revenue, and shall receive the same compensation as sheriffs now receive for collecting State revenue.

1873.

If sheriff fails to collect, collector to be appointed, and his duty, bond, &c.

§ 7. This act shall be in force from its passage.

Approved December 22, 1873.

CHAPTER 28.

AN ACT to add a part of Henry county to the county of Oldham.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That from and after the first day of January, 1874, all that part of Henry county, lying within the following bounds, shall be added to, and become a part of, Oldham county: beginning where the line between Oldham and Henry crosses Harrod's creek, below where the Babcock mill stood, and now owned by Frank Freeman; thence up said creek, with its meanders, nearly an east course, to the railroad bridge over the same, known as the Short-line, Covington, and Lagrange Railroad; thence south and southwest with said railroad to where the line between said counties crosses said railroad, on the premises of P. Harwood; thence with the line between said counties to the beginning.

Portion of Henry to be added to Oldham county.

§ 2. The circuit and county courts, as also justices of the peace of Henry county, shall have jurisdiction over all cases now depending before them; and it shall be lawful for all sheriffs, constables, and other officers of Henry, to execute all processes, collect all taxes, fines, and other dues that may now be in their hands, and shall account for the same in the same manner as if this act had not passed.

Legal status to be unchanged.

Approved December 20, 1873.

1873.

CHAPTER 29.

AN ACT for the benefit of Warren county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
to issue bonds to
fund debt.

§ 1. That for the purpose of enabling the county court of Warren county to fund and pay off the floating debt of said county, and to retire the bonds of said county, issued in aid of the Louisville and Nashville Railroad Company, maturing in April, 1874, the presiding judge of said county court, a majority of the justices of said county being present and concurring, may issue any amount of bonds, not exceeding eighty-five thousand dollars, of denominations of not less than one hundred and not more than one thousand dollars, to run not exceeding ten years, bearing interest at a rate not greater than ten per cent. per annum, payable semi-annually; said bonds to have coupons attached, and to be signed by the county judge, and countersigned by the county clerk, under seal of his office. Said coupons to be signed by the clerk only.

How bonds
to be disposed of
and use to be
made of proceeds

§ 2. That bonds to the amount of forty thousand dollars of those authorized by the first section of this act to be issued shall be, by the judge of said county court, placed in the hands of the treasurer of the board of sinking fund commissioners of said county, created in pursuance of the charter of the Louisville and Nashville Railroad Company, who is authorized to sell the same at par, and apply the proceeds of sales thus made in retiring the bonds of the county issued in aid of said railroad company falling due April, 1874; and if portion of the proceeds of said bonds, so placed in his hands, remain in his hand after retiring said railroad bonds, said surplus shall go to the credit of said sinking fund, and be retained for future use in retiring any other bonds issued in aid of said railroad company which may not mature in 1874, or may be issued in paying interest upon said bonds; and the remainder of the bonds authorized herein shall be sold by the county judge, or any person appointed by him, at not less than par, and with the proceeds of sales the floating debt of the county shall be speedily paid off, and the surplus remaining after said debts have been paid shall be disposed of as hereinafter provided. Said bonds shall not be delivered, nor any money paid over to said treasurer and county judge, or any person appointed by said county judge, until they have executed bond to the county, approved by the county court clerk, conditioned for the safe-keeping of any securities and moneys that may come to their hands, and for the faithful discharge of all the duties prescribed by this act.

§ 3. For the purpose of creating a fund, to be denominated the "Miscellaneous Fund," for the payment of the ordinary expenses of the county, the county court may levy a tax, not exceeding three dollars on each male over twenty-one years of age, for such number of years, beginning in the year 1874, as the court may deem proper for the purpose aforesaid. The fund thus arising shall be drawn on, from time to time, in the hands of the sheriff.

1873.

Court to levy
tax to pay bonds.

§ 4. That for the purpose of creating a fund, to be styled the "Warren County Sinking Fund," for the payment of the interest of the bonds issued by virtue of this act, and also the interest on all outstanding bonds of the county, other than the Louisville and Nashville Railroad bonds; and for the payment of the bonded debt of the county, except the bonds issued in aid of said railroad company, the county court may lay and collect a tax, not exceeding thirty-five cents on the one hundred dollars, on all property in said county listed for taxation for State revenue, and a poll tax of two dollars on each male over the age of twenty-one years, either or both, commencing in the year 1874: *Provided*, That the taxes aforesaid, when so levied, shall be collected by the sheriff of said county, and paid over, from time to time, to the treasurer of said sinking fund, upon his order, taking from him a receipt therefor. The sheriff shall have power to levy on, distrain for, and sell the property of the tax-payers, to make the taxes authorized by this act, in the same manner and in the same time, as is now allowed by law for the collection of the State revenue, and he shall receive the same commissions as now allowed of for collecting the county levy; he shall give bond, with good security, for the collection of the taxes authorized by this act, to the county court, for the use of the county; and for a failure to comply with its provisions may be proceeded against by motion or petition, and a judgment rendered against him and his sureties, with costs and damages, in the same manner as now provided by law for a failure to collect and pay over the State revenue.

May levy poll
tax.

Sheriff to collect
said taxes—his
compensation, re-
sponsibility, and
powers.

§ 5 That the surplus remaining from the proceeds of bonds sold by the county judge, or any person appointed by him, as provided in section two of this act, shall constitute a part of said sinking fund, and also the taxes heretofore set apart, and unpaid by the sheriff, for the payment of the principal and interest of the bonded debt of the county; and said surplus and taxes shall be paid over to the treasurer of said sinking fund, which, together with the taxes authorized by section four of this act, shall be sacredly devoted to the payment of the prin-

How surplus of
bond money to be
used.

1873. cipal and interest of said bonded debt, with other expenses properly chargeable to said sinking fund, and to no other uses or purposes whatever.

Who to constitute sinking fund board—their powers and duties.

§ 6. The county judge, county clerk, county auditor, county attorney, and the justices of the first district, and their successors in office, shall constitute a board, to be styled the "Warren County Sinking Fund Commissioners," who shall manage and control said sinking fund. The county judge shall be chairman, and a majority of the commissioners shall be required to compose a board for the transaction of business. Said commissioners shall elect one of their number treasurer, who shall have the custody of the money or property of said sinking fund, and, before entering upon the duties of his office, shall execute bond to the county, to be approved by the county court, conditioned to account for and pay over, upon the order of the board, all moneys that may come to his hands or control; and upon such bond recovery may be had for any breach of its conditions. He shall keep a true and correct record of all proceedings of said board of commissioners, receive and disburse all moneys, and keep a true and correct account thereof, and shall account for all moneys and any other thing of value belonging to said sinking fund that may come to his hands or control. He shall make report to the county court annually, in the month of October, showing the receipts and disbursements of said sinking fund for the preceding year, with such suggestions as to its future management as he may deem proper, and shall, when required, give to the county court any information in his power concerning said sinking fund; and it shall be the duty of said treasurer to have said report published in any manner he may think proper for the information of the county at large; and said commissioners shall allow and pay out of the sinking fund a fair and reasonable compensation to their treasurer for his services.

Powers of board.

§ 7. It shall be the duty of said commissioners to use said sinking fund for the purpose of paying the interest and principal of the county debt, and to apply any surplus on hand at any time to the redemption of any portion of the county debt by payment or purchase of any of the bonds at par or under, charged to said sinking fund; and they shall have power to make any safe and profitable investment of any surplus that cannot be applied to the payment or purchase of said county bonds.

How board may be removed from office.

§ 8. That upon the application of any member of the county court at any time to the county judge, he shall assemble the justices of said county, and for good cause shown said county may remove any member or all of said

board of sinking fund commissioners, or may elect the entire new board. 1873.

§ 9. That all previous laws imposing an ad valorem tax, and all laws conflicting with this law, be, and the same are hereby, repealed.

§ 10. This act shall take effect from its passage.

Approved December 20, 1873.

CHAPTER 30.

AN ACT for the benefit of Susan Wall, of Garrard county.

WHEREAS, It is represented to the General Assembly of the Commonwealth of Kentucky that Wilson Logan, a free man of color, died domiciled in Garrard county, Kentucky, on the — day of August, 1873, unmarried, leaving a daughter, Susan Wall, begotten and born in slavery, whom he always recognized as his child, both before and since the abolition of slavery; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said Susan Wall be, and she is hereby, legitimated, and made capable of inheriting the estate of her father, the said Wilson Logan, in the same manner, and to the same extent, as if she had been born to him in lawful wedlock.

§ 2. This act shall take effect and be in force from its passage.

Approved December 20, 1873.

CHAPTER 31.

AN ACT to prohibit the sale of spirituous or vinous or malt liquors within the corporate limits of the town of Hinkleville, Ballard county, or within two miles of the said incorporate limits.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell spirituous, vinous, or malt liquors, or the mixture of either, within the corporate limits of the town of Hinkleville, Ballard county, or within two miles of the said incorporate limits.

Sale of liquors prohibited.

§ 2. Any person violating the provisions of this act shall, upon conviction thereof, be fined in a sum not less than fifty nor more than one hundred dollars for each violation of this act.

Penalty for violating law.

§ 3. This act to take effect from and after its passage.

Approved December 20, 1873.

1873.

CHAPTER 32.

AN ACT to abolish the office of county treasurer of Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to create and regulate the office of county treasurer for Pendleton county," approved March 18, 1870, and an act, entitled "An act authorizing the appointment of a county treasurer for Pendleton county," approved January 21, 1839, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after January 1st, 1874.

Approved December 20, 1873.

CHAPTER 33.

AN ACT for the benefit of Law Department of the University of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Diploma to
entitle holder to
license as attor-
ney at law.

§ 1. That a diploma from the University of Louisville, in its Law Department, conferring the degree of bachelor of laws, shall entitle the person on whom it is conferred to practice law, and shall have the same effect as a license to practice law in all the courts of this Commonwealth granted in pursuance of sections three and four of chapter five, article one, of the General Statutes.

§ 2. This act shall take effect from its passage.

Approved December 20, 1873.

CHAPTER 34.

AN ACT for the benefit of Lewis F. Marshall, sheriff of Ballard county, and securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Damages and
interest on judg-
ment released.

§ 1. That where Lewis F. Marshall, sheriff of Ballard county, and his securities, shall have paid the full amount of the principal, interest, costs, and Attorney General's fees of the judgment rendered against them in the Franklin circuit court for the balance of the revenue due the State by said Marshall for the year 1872, the amount of the damages, and the five per cent. adjudged against them under the act of March 22, 1871, to change the time of paying the revenue into the Treasury, shall be, and

the same is hereby, remitted: *Provided, however,* That said principal, interest, &c., shall be paid within sixty days from the passage of this act.

1874.

§ 2. That it shall be the duty of the Auditor of Public Accounts to allow said Lewis F. Marshall a credit for the amount of the Auditor's list returned delinquent by him after the rendering of the said judgment; also for the amount of the delinquent list returned for the year 1872, or as much thereof as may be legal and just under existing laws.

Duty of Auditor under act.

§ 3. This act shall be in full force and effect from its passage.

Approved December 20, 1873.

CHAPTER 35.

AN ACT providing that the failure of the sheriff of McCracken county to execute bond for the collection of the revenue shall not forfeit his office of sheriff.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one, article eight, chapter-ninety-two, of the General Statutes, be so amended that a failure or refusal of the sheriff of McCracken county to execute bond, with surety, as is now required by law for the collection of the revenue, shall not forfeit his office of sheriff of said county; but he shall not collect the revenue without giving the bond now required by law.

Failure to give bond to collect revenue not to work forfeiture of office.

§ 2. This act shall be in force until the first day of January, 1875, and no longer.

§ 3. This act shall take effect from its passage.

Approved January 13, 1874.

CHAPTER 37.

AN ACT to increase the jurisdiction of justices of the peace in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That justices of the peace in the county of Logan shall have jurisdiction concurrent with the quarterly and circuits courts in said county of all actions and proceedings for the recovery of money or personal property, when the matter in controversy does not exceed one hundred dollars in value, exclusive of interest and costs.

Jurisdiction increased to \$100.

1874.

Tax assessed on
actions, and how
disposed of.

§ 2. That on each action or proceeding, where the amount in controversy, exclusive of interest and cost, exceeds fifty dollars, a tax of fifty cents shall be paid by the plaintiff, and taxed as costs; which tax shall be accounted for by the justice as judges of the quarterly courts are now required by law to account for the taxes collected by them.

Pleadings to be
oral.

§ 3. The pleadings may be oral, and without verification; but before the summons is issued, the plaintiff shall file with the justice the account or the written contract, or a short written statement of the facts on which the action is founded.

§ 4. This act shall take effect and be in force from its passage.

[Became a law without the Governor's signature, January 10, 1874.]

CHAPTER 38.

AN ACT for the benefit of Harrison Lay, of Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

May keep bar
separately from
tavern.

§ 1. That Harrison Lay, a citizen of the county of Breckinridge, and town of Stephensport, in this State, be, and he is hereby, authorized and empowered to keep his grocery and bar-room in an out-building on his tavern premises, but not adjoining the main building thereon.

To remain sub-
ject to penalty for
violating law.

§ 2. That nothing in this act shall be construed to exempt said Lay, on account of this privilege being granted to him, from the pains and penalties provided by law for violation of any of the statutes inflicting pains and penalties for the improper or unlawful vending of ardent spirits.

§ 3. This act to take effect and be in force from and after its passage.

[Became a law without the Governor's signature January 10, 1874.]

CHAPTER 39.

AN ACT to amend the charter of the town of Sharpsburg, in Bath county, approved January 9, 1852.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jurisdiction of
police judge in-
creased.

§ 1. That the charter of the town of Sharpsburg, in Bath county, approved January 9, 1852, is hereby so amended that the police judge of said town shall hereafter have jurisdiction in civil cases and proceedings

where the defendant or one of the defendants, if more than one resides in the Sharpsburg election district, in said county, concurrent with the Bath quarterly and circuit courts, where the amount in controversy, exclusive of interest and costs, exceeds fifty dollars and is under one hundred dollars.

1874.

§ 2. That the pleadings in said court shall be oral and regulated by the Civil Code; and all appeals from the judgment of said judge shall be taken directly to the circuit court of said county, where the amount in controversy, exclusive of interest and costs, exceeds ten dollars.

Pleadings to be oral—where a p-peals to lie.

§ 3. That before a summons shall be issued on a claim before said judge exceeding fifty dollars, exclusive of interest and costs, a tax of fifty cents shall be paid to said judge, to be taxed as costs, and said judge shall report and account for such tax as required by law in the collection of fines due the Commonwealth.

Actions for \$50 and over to be taxed.

How tax to be disposed of.

§ 4. That the terms of said court shall be fixed by the judge of said court, and held quarterly. Notice of the time and place of holding said courts, or any alteration thereof, shall be advertised by printed advertisements posted in five or more public places in said district sixty days before the beginning of any term so fixed or altered by said judge.

Terms of court—by whom fixed—what notice to be given.

§ 5. Said judge shall keep a well-bound judgment and execution book, to be paid for by the trustees of the town.

Judge to keep record.

§ 6. That this act shall take effect from its passage.

Approved January 13, 1874.

CHAPTER 40.

AN ACT for the benefit of John H. Bush, of Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to issue his warrant on the Treasurer in favor of John H. Bush, of Hardin county, committee for Columbus Slater, a pauper lunatic of said county, for the sum of one hundred and five dollars and ninety-four cents (\$105 94), for keeping and providing for said lunatic from the third day of April, 1872, to the fourteenth day of October, 1873.

§ 2. This act to take effect from its passage.

Approved January 10, 1874.

1874.

CHAPTER 41.

AN ACT to apply to Fayette and Jessamine counties the provisions of an act approved March 5, 1872, entitled "An act to authorize the county courts of Nicholas and Bourbon counties to compel persons to keep stock off of public roads."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, approved March 5, 1872, entitled "An act to authorize the county courts of Nicholas and Bourbon counties to compel persons to keep stock off of public roads," be, and the same are hereby, made to apply to Fayette and Jessamine counties in the same manner as to the other counties named in the said act.

§ 2. This act shall take effect from and after its passage.

Approved January 13, 1874.

CHAPTER 43.

AN ACT for the benefit of W. H. Hamilton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to issue his warrant upon the Treasurer to W. H. Hamilton, late sheriff of Larue county, payable out of any money in the Treasury not otherwise appropriated, for the sum of six hundred and twenty-seven dollars and thirty-two cents (\$627 32), being the amount of damages, &c., paid by said Hamilton into the Treasury for failure to pay the revenue due from the county of Larue for the years 1871 and 1872.

§ 2. This act to take effect from its passage.

Approved January 10, 1874.

CHAPTER 44.

AN ACT for the benefit of the litigants in the Fayette circuit court.

WHEREAS, The Hon. Charles B. Thomas, late judge of the Fayette circuit court, departed this life, leaving the November term, 1873, of said court unfinished; and whereas, according to the existing law, there is no power in his successor to sign bills of exceptions in cases tried before the said Thomas during said term; now, therefore, for the remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky : 1874.

§ 1. That the present judge of the Fayette circuit court is hereby empowered to sign all bills of exceptions in cases in which trials were had during the November term, 1873, of the said court before the late judge thereof, in which the late judge had not signed said bills; and in order that the judge of said court may be enabled to certify correctly the evidence in said actions, he may, if necessary, cause the witnesses to be brought before him, and reduce their evidence to writing; and in case any witness who testified at any of such trials cannot be procured, and the counsel in such cause differ as to the testimony of such witness, the judge shall certify that fact; and any one or more of the counsel engaged in such action may certify, on his or their professional honor, the evidence of such witness, as it was given at the trial, and such certificate or certificates shall be a substitute for the certificate of the judge as to the evidence of said witness, and shall constitute a part of the bill of exceptions.

Present judge empowered to discharge all functions of deceased judge.

Mode of procedure under act.

§ 2. Such bills of exceptions shall, when so signed, be of the same effect and have the same validity as if signed by the judge who presided at the trial; and any and all bills, which may have been signed by said judge before the passage of this act, are hereby declared to be as legal and valid as if they had been signed after the passage of this act.

Bills of exceptions to be of full effect.

§ 3. This act shall take effect from and after its passage.

Approved January 7, 1874.

CHAPTER 45.

AN ACT for the benefit of F. K. Beaven, sheriff of Marion county, and securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the principal, interest, costs, and Attorney General's fee having been paid by F. K. Beaven, sheriff of Marion county, the balance of the judgment rendered against him and securities, in the Franklin circuit court, on account of the revenue of 1872, be, and the same is hereby, remitted.

§ 2. This act shall take effect from its passage.

Approved January 10, 1874.

1874.

CHAPTER 46.

AN ACT for the benefit of Simon Humphrey, late sheriff of Nelson county, and sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Interest and damages on judgment released.

§ 1. That when Simon Humphrey, late sheriff of Nelson county, and his sureties for him, shall have paid the full amount of the principal, interest, costs, and the Attorney General's fee, embraced in the judgment rendered against them in the Franklin circuit court, for the balance due the State on account of the revenue of 1872, the damages, and the five per cent. adjudged against them under the act of March 22, 1871, to change the time of paying the revenue into the State Treasury, shall be, and the same is hereby, remitted: *Provided, however,* That said debt, interest, costs, &c., shall be paid within sixty days from the approval of this act.

§ 2 This act shall be in force from its passage.

Approved January 10, 1874.

CHAPTER 47.

AN ACT to repeal an act to authorize the board of trustees of the town of Lebanon to issue bonds and provide for the payment of the same.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act approved March 11th, 1868, chapter one hundred and twelve, as authorizes the trustees of the town of Lebanon, in Marion county, to issue bonds of said town, be, and the same is hereby, repealed: *Provided, however,* That this act of repeal is not to affect the validity of the bonds already issued and disposed of.

§ 2. This act to be in force from and after its passage.

Approved January 10, 1874.

CHAPTER 48.

AN ACT to amend the charter of the city of Newport, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Marshal to be chief of police, and his duties.

§ 1. That the marshal of the city of Newport be, and is hereby, made chief of the police, for the time being, of said city of Newport, and be, and hereby is, invested, for himself and his successors in office, with all the powers

which are now or may be hereafter vested by the charter and ordinances of said city in said chief of police. 1874.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 9, 1874.

CHAPTER 49.

AN ACT to amend an act, entitled "An act to incorporate the Cynthiana and Millersburg Turnpike Road Company."

WHEREAS, It is represented that the corporate seal of the Cynthiana and Millersburg Turnpike Road Company has been lost, mutilated, or destroyed; wherefore, for the remedy thereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the private seal or scroll of the president of said corporation may be issued in all cases where, by the original and amended charters, it might be necessary to use a seal, and that the private seal or scroll of the president, when so issued, shall have the same efficacy in law as if a corporate seal had been used.

§ 2. This act shall take effect from its passage.

Approved January 13, 1874.

CHAPTER 50.

AN ACT to renew the charter of the Alexandria and Flagg Spring Turnpike Road Company, in Campbell county.

WHEREAS, The charter of the Alexandria and Flagg Spring Turnpike Road Company expires in December, 1874, by special enactment; and since further time is necessary to enable the company to complete said road, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the Alexandria and Flagg Spring Turnpike Road Company be, and the same is hereby, continued in force until December, 1884; and that the company shall have, if necessary, until that time in which to complete said road.

§ 2. That this act shall take effect December the 4th, 1874.

Approved January 13, 1874.

1874.

CHAPTER 51.

AN ACT to authorize the county court of Livingston county to levy an additional poll and ad valorem tax for bridge and road purposes.

WHEREAS, The Livingston county court of claims, at its October term, 1873, made sundry appropriations for the repairing and building in the said county of certain roads and bridges; and whereas, the county levy for the year 1874 is wholly inadequate to meet the said appropriations; now, therefore, in order to raise a fund sufficient to meet said appropriations, and secure the speedy building of said bridges, and the construction of said roads,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court
may levy tax.

§ 1. That the Livingston county court of Kentucky, a majority of the justices of said county in commission being present and concurring, be, and it is hereby, authorized and empowered to levy an additional capitation and ad valorem tax for the years 1874-'5, not to exceed fifty cents on the poll, and not exceeding fifteen cents on each one hundred dollars' worth of taxable property in said county, as shown by the assessors' books for said year or years; said tax to be levied prior to the time of returning the assessors' books for the year 1874, and to be levied for the express and only purposes aforesaid.

Justices to
be summoned to
make levy.

§ 2. *Be it further enacted,* That the county judge of Livingston county is hereby empowered and authorized to summon the justices of the said county qualified as aforesaid, and convene the said court of claims to make the said levy at any time he may think proper to do so, before the return of the assessors' books for the year 1874.

§ 3. This act to take effect from and after its passage.

Approved January 13, 1874.

CHAPTER 52.

AN ACT for the benefit of C. G. Ragan, late sheriff of Montgomery county, and securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Interest and
damages on judg-
ment released.

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to credit C. G. Ragan, late sheriff of Montgomery county, and his securities, with the amount of damages, and the five per cent. charged against them under the act of March 22, 1871, to change the time of paying the revenue into the Treasury, when they shall have paid in full the principal, interest, costs, and At-

torney General's fee of a judgment rendered against them for the revenue of 1872. 1874.

§ 2. This act shall take effect from its passage.

Approved January 10, 1874.

CHAPTER 54.

AN ACT for the benefit of John Allen, of the city of Louisville.

WHEREAS, On the 7th day of June, 1873, the Jefferson county court appointed John Allen, of the city of Louisville, a guard to conduct to the Feeble-minded Institute a pauper lunatic named Margaret Gallavan; and whereas, it appears from the certificate of Dr. E. H. Black, Superintendent of said Institution, that said John Allen did perform the duty assigned him; therefore, in order that the said party be reimbursed for the funds expended by him in carrying out the order of the court,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer of the State in favor of said John Allen for the sum of nineteen dollars and thirty-five cents (\$19 35), to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved January 10, 1874.

CHAPTER 55.

AN ACT for the benefit of R. W. Williams, jailer of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of fifteen (\$15) dollars is hereby appropriated to R. W. Williams, jailer of Christian county, for keeping and taking care of Doc Henry Buckner, a pauper lunatic, in June, 1873; said sum to be paid on the warrant of the Auditor out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved January 14, 1874.

1874.

CHAPTER 56.

AN ACT to incorporate the Christian Church at Warsaw.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the members, and those who may hereafter become members, of the Christian Church at Warsaw, are hereby created a body-corporate, by the name of the "Christian Church;" and by that name shall have perpetual succession, and be capable of suing and being sued, and of holding, by contract or gift, real and personal estate not exceeding twenty thousand dollars.

Title vested in trustees and successors.

§ 2. That the title to the property now owned by said church shall be, and the same is hereby, vested in H. P. Clore, Robert Payne, J. J. Landram, and Florian Cox, trustees of said church, and their successors in office; and all property hereafter acquired by said church shall be, and the same is, to vest in said trustees, and their successors in office, for them to have and to hold the same in trust for the use and benefit of said church.

Trustees to sell and convey property belonging to the church.

§ 3. That it shall be lawful for a majority of the members of said church, present at any called or regular meeting, to direct and authorize the trustees of said church to sell and convey any property, either real or personal, belonging to the same.

Trustees to convey by deed property heretofore sold.

§ 4. And said trustees are hereby authorized and empowered to convey, by deed of warranty, the property known as the Old Christian Church property, situated in the town of Warsaw, and which has been heretofore sold by said church to the trustees of the town aforesaid.

Conveyance to pass the title.

§ 5. All conveyance of property made by said trustees, or a majority thereof, under the conditions aforesaid, shall forever and effectually pass the title in fee-simple to the vendee or vendees, their heirs and successors, when acknowledged as other deeds of conveyance are now acknowledged by law.

May pass by-laws for secular and financial affairs of church.

§ 6. The said church shall have authority, and are hereby empowered, to pass any by-laws, a majority of those present who are members thereof concurring therein, for the control of the secular and financial affairs of said church.

§ 7. This act shall take effect from and after the passage thereof.

Approved January 14, 1873.

CHAPTER 57.

1874.

AN ACT to amend an act, entitled "An act to charter the Central Savings Bank of the city of Louisville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Central Savings Bank of the city of Louisville may consolidate with any other bank doing business in the city of Louisville, chartered by the laws of this State: *Provided*, When so consolidated, said bank shall not have a capital stock exceeding amount allowed by the charter of either bank. Said consolidation may be made upon such terms as may be agreed upon by the stockholders of said Central Savings Bank at a general meeting of the same.

Authorized to consolidate with other bank in Louisville, and stock limited.

§ 2. That the said Central Savings Bank may go into liquidation, provided a majority in value of the stockholders in said bank so direct, at a meeting called by order of the directors, at any time, upon five days' notice.

Authorized to go into liquidation by majority of stockholders.

§ 3. The board of directors of said Central Savings Bank shall consist of not less than three nor more than seven stockholders, a majority of whom shall constitute a quorum.

Not less than three nor more than seven directors.

§ 4. This act shall take effect from its passage.

Approved January 16, 1874.

CHAPTER 58.

AN ACT for the benefit of the Agricultural and Mechanical Association of the Colored People of Bourbon County.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all persons be, and are hereby, prohibited from erecting booth or places to sell refreshments within a half mile of the grounds of the Agricultural and Mechanical Association of the Colored People of Bourbon County while its fair is being held; and all persons are prohibited from selling, during that time, any spirituous or intoxicating drinks within said distance: *Provided*, This prohibition shall not apply to persons authorized to sell such drinks by the authorities of Bourbon county or the city of Paris, who sell at the places authorized by their license. Persons violating this act shall be liable to the punishment prescribed in the sixth section of the act approved 25th of March, 1873, incorporating said association.

§ 2. This act shall be in force from its passage.

Approved January 16, 1874.

1874.

CHAPTER 59.

AN ACT for the benefit of Franklin Female College, in Simpson county.

WHEREAS, At an election held in the town of Franklin, Simpson county, on the first day of December, 1873, for the purpose of selecting six managers of the Franklin Female College, certain informalities and illegalities existed in said election for said board of managers; and as said Franklin Female College is now without a competent managing board by virtue of said informal and illegal election,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Board of managers.

§ 1. That W. W. Bush, W. H. Crowder, R. H. Collier, J. H. Milliken, W. O. Gilbert, and R. W. Neely, voted for, and having received the highest number of votes cast at said election, be, and they hereby are, declared to be legal and duly authorized members of said board of managers of said Franklin Female College.

Former action legalized.

§ 2. No action of the present board of managers shall be rendered invalid by virtue of the informal or illegal election of those members of the board of managers mentioned in section one of this act.

§ 3. That on the Wednesday following the day upon which this act shall have been approved, or as soon thereafter as practicable; the board of managers mentioned in section one shall meet and divide themselves by lot into two classes; the seats of the first class shall be vacated on the first Monday of June, 1874, of the second class on the first Monday of June, 1875.

When election for managers to be held.

§ 4. On the first Monday in June, 1874, there shall be six managers of said college elected, in accordance with section fourteen of the present charter of said college, who shall likewise by lot divide themselves into two classes; the seats of the first class shall be vacated on the first Monday of June, 1876, of the second class on the first Monday of June, 1877, so that one third of the board of managers shall be elected each year, in accordance with section twenty-one of the present charter of said college.

§ 5. This act to take effect from and after its passage.

Approved January 16, 1874.

CHAPTER 60.

1874.

AN ACT to abolish the court of common pleas in Union county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That so much of an act to establish a court of common pleas in the first, third, and fourteenth judicial districts, approved February 5th, 1867, as establishes a court of common pleas in Union county, be, and the same is hereby, repealed, and said court in said county is hereby abolished.

Common pleas court abolished.

§ 2. That the circuit court of Union county shall hereafter have jurisdiction of all actions, motions, proceedings, and other business of said court of common pleas which has had jurisdiction under said act approved February 5th, 1867, and of all such actions, motions, proceedings, and other business as may hereafter arise.

Jurisdiction of circuit court restored.

§ 3. That all actions, motions, proceedings, and other business now pending in said court of common pleas, are hereby transferred to the circuit court of said county ; and it is hereby made the duty of the clerk of said court to transmit to and deposit in the circuit court clerk's office of said county all the papers in all actions, motions, proceedings, and other business now or hereafter pending in said court of common pleas ; and all actions, motions, proceedings, and other business now pending in said court of common pleas shall be placed on the docket of the circuit court of said county in the same manner as if originally brought in said court ; and said court shall have full power and authority to hear and determine the same. The said circuit court shall have full power to hear and determine all motions, actions, proceedings, or other business that may arise out of any proceedings or actions that may have been tried in said court of common pleas, and which, but for this act, would have to be instituted in said court of common pleas.

Causes to be transferred, docketed, and how proceedings had in circuit court.

§ 4. That the records of said court of common pleas shall be deemed records of said circuit court of said county as fully, and to all intents and purposes, as if they had originally belonged to said circuit court, and it shall have the same power over them, and of all proceedings growing out of them, in like manner as of its own records, and the clerk and judge of said circuit court shall have full power to certify copies of the same.

Records to become records of circuit court and certified accordingly.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 6. This act shall take effect and be in force from and after the first day of March, 1874.

Approved January 16, 1874.

1874.

CHAPTER 61.

AN ACT legalizing an order made by the court of claims in Crittenden county.

WHEREAS, An act of the General Assembly approved February 2d, 1871, empowering the court of claims of Crittenden county to levy and collect a tax for the purpose of rebuilding the court-house in said county, and to be used for no other purpose: said levy and collection were made, and payment for court-house completed in the year 1872. Upon settlement with R. N. Walker, then sheriff of said county, a balance of eleven hundred and thirty-six dollars and twenty cents was in said Walker's hands, after full payment of all demands for building said court-house; and upon a further settlement with said Walker for collection made by him for county purposes, it was found that said Walker had paid out of his own money an equivalent sum, more than was due and collected by him from the county for that purpose. Upon which settlements the court of claims made an order, making one indebtedness rebut the other; and to make the order of said court valued, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an order made by the court of claims of Crittenden county, at its October term, 1873, using money collected for court-house purposes for the payment of county indebtedness to R. N. Walker, be, and is hereby, legalized.

§ 2. That this act be in force from its passage.

Approved January 16, 1874.

CHAPTER 62.

AN ACT for the benefit of George Carter, committee for J. B. Salter, a lunatic of Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of George Carter, committee for J. B. Salter, a lunatic of Lawrence county, for the sum of two hundred dollars (\$200), being the amount due said Carter as aforesaid, up to and including the 22d of November, 1873.

§ 2. This act to take effect from its passage.

Approved January 16, 1874.

CHAPTER 63.

1874.

AN ACT allowing netting for fish in Sinking creek, in Breckinridge county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all laws prohibiting netting for fish in Sinking creek, in Breckinridge county, are hereby repealed.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 16, 1874.

CHAPTER 64.

AN ACT for the benefit of the administrators of William Simpson, late clerk of the Wayne circuit and county courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years from and after the passage of this act is hereby allowed the administrators of William Simpson, deceased, late clerk of the Wayne circuit and county courts, within which they may issue and collect the uncollected fee bills of said decedent as clerk aforesaid, and the same shall be distrainable for said time; and there shall be, within said time, the same power for the collection of the same that is granted by existing laws for the collection of fee bills; but said administrators shall be liable to all the penalties imposed by existing laws for the issuing of illegal fee bills.

Further time
granted to list &
collect fee bills.

To be liable for
illegal actions.

§ 2. This act to be in force from its passage.

Approved January 16, 1874.

CHAPTER 65.

AN ACT to amend the town charter of Harrodsburg, Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Harrodsburg be so amended that no person shall be a qualified elector for the municipality of said town who shall not, at the time he offers to vote, have paid all the taxes due against him to said town.

§ 2. This act shall take effect from its passage.

Approved January 19, 1874.

1874.

CHAPTER 66.

AN ACT to repeal sections one, two, three, four, five, six, seven, eight, and ten of an act, entitled "An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors therein."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections one, two, three, four, five, six, seven, eight, and ten of an act, entitled "An act to amend the charter of the town of Monticello, and to regulate the traffic in spirituous liquors," approved March 22, 1873, are hereby repealed.

Trustees to
regulate sale of
liquors.

License fee.

§ 2. That the chairman and board of trustees of the town of Monticello shall have the power to regulate the sale of malt and spirituous liquors in said town; the license fee to sell malt or spirituous liquors shall not be less than one hundred and fifty dollars nor more than three hundred dollars per annum.

To whom license
to be issued.

§ 3. No license shall be issued to any person to sell malt or spirituous liquors in the town of Monticello, unless the applicant therefor shall have first obtained the license required by the General Statutes of the State.

Penalty for
selling without
license.

§ 4. Any person who shall sell spirituous or malt liquors in said town, without having first paid the license fee required by the board of trustees in conformity with this act, shall, upon conviction, be fined in the police court of said town in any sum not less than fifty dollars nor more than one hundred dollars for each offense.

§ 5. This act to take effect from and after its passage.

Approved January 19, 1874.

CHAPTER 67.

AN ACT for the benefit of E. H. Hobson and J. J. Durham.

WHEREAS, E. H. Hobson and J. J. Durham having become the purchasers of the Greensburg and Taylor County Turnpike Road, by transfer from D. P. White, who had previously purchased said road under a judgment of the Green circuit court rendered at its November term, 1872; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Hobson & Dur-
ham, purchasers,
vested with all
rights of original
corporation.

§ 1. That the said purchase and said transfer shall vest in the said Hobson and Durham, their heirs or assignees, all right, title, interest, and ownership in and to said road; and that the said Hobson and Durham, their heirs or assignees, shall, by virtue of this act, be entitled to and allowed to exercise all the powers, rights, privileges, and

immunities conferred upon the original company by chapter one hundred and three of the Revised Statutes, title "Turnpike and Plank Roads," the same under which said road was built; and that said Hobson and Durham, their heirs or assignees, be, and are hereby, permitted and allowed to operate said road under said chapter one hundred and three of the Revised Statutes, subject to the duties and responsibilities therein prescribed.

184.

§ 2. This act shall take effect from its passage.

Approved January 19, 1874.

CHAPTER 68.

AN ACT for the benefit of David Wheeler, of Clinton county.

WHEREAS, David Wheeler was tried before J. F. Stephenson, a justice of the peace for Clinton county, for a breach of the peace, and fined the sum of twenty-five dollars; and whereas, J. W. Stevenson, Governor of the Commonwealth of Kentucky, on the 23d day of March, 1869, remitted and released said Wheeler from the payment of said fine, except fees and costs; but before said Wheeler received the same, he had paid said fine; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seventeen dollars and fifty cents be, and the same is hereby, appropriated for the benefit of said David Wheeler, and the Auditor is directed to draw his warrant on the Treasurer in favor of said Wheeler for said amount.

§ 2. That this act take effect from its passage.

Approved January 19, 1874.

CHAPTER 69.

AN ACT providing for the payment of money to Eliza A. Taylor, of Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasury for the sum of thirty-six dollars and fifty cents in favor of Eliza A. Taylor, committee of Susan Jameson, pauper idiot of Owen county.

§ 2. This act to be in force from its passage.

Approved January 19, 1874.

1874.

CHAPTER 70.

AN ACT to repeal an act empowering the county court of Mercer county to make subscriptions to capital stock in turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to empower the county court of Mercer county to make subscriptions to capital stock in turnpike roads in Mercer county," approved April 15th, 1873, be, and the same is hereby, repealed.

§ 2. This act to be in force from its passage.

Approved January 19, 1874.

CHAPTER 71.

AN ACT relating to the surplus school fund belonging to Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

School surplus to be drawn on order of county court.

§ 1. That the surplus school fund belonging to the county of Logan shall be drawn out of the Treasury upon the order of the county court of that county at its December term, 1873, or January term, 1874, a majority of the justices being present, and concurring therein.

School commissioner to dispose of said fund.

§ 2. The common school commissioner for Logan county shall distribute this fund for the purposes, and in the manner now prescribed by law, unless he shall deem it of more advantage to the interest of common schools in the county to put the same out at interest; and in that event, he shall have power to lend it to the Logan county court, taking bond for the amount, payable to the commissioner of common schools in said county, or his successor in office, for the use of the common schools of said county, in ten years after its date, and bearing a rate of interest not less than eight and not more than ten per cent. per annum, which interest shall be paid annually to the commissioner of common schools, and be by him distributed and accounted for as the law directs other school funds in his hands to be distributed and accounted for.

Commissioner may lend funds out at interest to Logan county court.

How county judge shall proceed in regard to loan of said funds.

§ 3. It shall be the duty of the county judge, upon being informed by the common school commissioner that he wishes to loan the fund drawn from the Treasury under the first section of this act, to make an order designating the person to whom the money shall be paid on behalf of the county, and to require of such person a bond, with approved security, to account for the same so paid to him according to the orders of said court.

§ 4. Upon the receipt of the money by the person appointed under section third, it shall be the duty of the county judge to execute a bond for and on behalf of the county of Logan, as provided in section second of this act.

1874.

§ 5. This act shall take effect from its passage.

[Became a law without the Governor's signature, January 19, 1874.]

CHAPTER 72.

AN ACT to authorize the sheriff of Grayson county to hold an election for district officers in Sand Spring district, in Grayson county.

WHEREAS, It has been represented to this General Assembly that the county court of Grayson county has established a new justices' district in said county; and whereas, the county judge is not authorized by law to order an election in said district for two justices of the peace and a constable for said district; for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Grayson county be, and he is hereby, authorized to open a poll at Sand Spring, in Grayson county, the voting place established by the county court for the new district in said county, known as the Sand Spring district, on the first Saturday in May, 1874, for the election of two justices of the peace and a constable for said district, to serve until the first day of June, 1875, or until their successors shall be duly elected and qualified.

Sheriff to hold election for justices and constable in said district.

§ 2. That the sheriff of said county, before holding said election, shall advertise the same in the manner and for the length of time that sheriffs are now required by law to advertise elections to fill vacancies.

Notice to be given of election.

§ 3. This act shall take effect from and after its passage.

Approved January 21, 1874.

CHAPTER 73.

AN ACT to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the county of Harlan," approved February 7th, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in the county of Har-

1874. lan," approved February 7th, 1870, be, and the same is hereby, repealed.

§ 2. This act shall take effect from its passage.

Approved January 21, 1874.

CHAPTER 75.

AN ACT for the benefit of Thomas E. Moore, sheriff of Bourbon county.

WHEREAS, It appearing by the certificate of the Auditor that Thos. E. Moore, sheriff of Bourbon county, paid damages to the State Treasury on revenue for the years 1871 and 1872, eight hundred and fifty-three dollars (\$853 52) and fifty-two cents; and that said sheriff returned no negro or colored list delinquent for said years of 1871 and 1872, and that his accounts as sheriff for said years have been fully settled; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amount of damages released.

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of Thos. E. Moore, sheriff of Bourbon county, for the sum of eight hundred and fifty-three dollars (\$853 52) and fifty-two cents, amount of damages paid by him, as sheriff of Bourbon county, into the Treasury for the years 1871 and 1872: *Provided*, That the sheriff shall first satisfy the Auditor, by the sworn statement of himself and his deputies, that the said five per cent. has not been collected from the tax-payers, and that the relief hereby granted shall only apply to all or any part of said five per cent. that has not been collected from the tax-payer.

§ 2. This act shall take effect from its passage.

Approved January 22, 1874.

CHAPTER 76.

AN ACT for the preservation and production of game and fish in Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful to kill quail in certain months.

§ 1. It shall be unlawful for any person to catch, kill, or in any manner destroy, or pursue with such intent, within the boundaries of Bourbon county, in the months of March, April, May, June, July, August, September, or October, any quail or partridge. The possession by any person of any such quail or partridge in the boundaries of said county within the said months shall be considered *prima*

Penalty for violating act.

facie evidence of a violation of the provisions of this section. Any person violating the provisions of this section shall be fined twenty dollars.

1874.

§ 2. It shall be unlawful for any person to catch, kill, or in any manner destroy, or pursue with such intent, within the boundaries of Bourbon county, in the months of February, March, April, May, June, July, or August, any rabbit or hare. The possession by any person of such hare or rabbit, within the boundaries of said county, within said months, shall be considered *prima facie* evidence of a violation of the provisions of this section. Any person violating the provisions of this section shall be fined ten dollars.

Made unlawful to kill hare in certain months.

Penalty for violating act.

§ 3. It shall be unlawful for any person to kill, or pursue with such intent, within the boundaries of Bourbon county, in the months of December, January, February, March, April, or May, any red or grey squirrel. The possession by any person of such red or grey squirrel, within the boundaries of said county, within said months, shall be considered *prima facie* evidence of a violation of the provisions of this section. Any person violating the provisions of this section shall be fined fifteen dollars.

Made unlawful to kill squirrels in certain months.

Penalty.

§ 4. It shall be unlawful for any person to take, catch, kill, or in any manner destroy, except with the hook and line, fish of any kind in any waters within the boundaries of Bourbon county: *Provided*, That it shall be lawful to catch in any manner small fish for bait, and fish for the purpose of propagation in other waters. Any person violating the provisions of this section shall be fined twenty dollars for each offense.

Made unlawful to net or seine for fish.

Penalty.

§ 5. It shall be unlawful for any person, after five days' notice, as provided in the following section, to throw or deposit, or cause or permit to be thrown or deposited, in any stream of water in the boundaries of Bourbon county, any refuse or other matter which will have the effect of killing or injuring seriously any kind of fish in said streams of water: *Provided*, That no person shall be held responsible for any unavoidable leakage, drainage, or accident. Any person violating the provisions of this section shall be fined twenty-five dollars.

Made unlawful to throw anything in streams to injure or destroy fish.

Penalty.

§ 6. The notice mentioned in the preceding section shall be a written notification, and may be given by any person, whenever it is evident that the refuse or other matter mentioned in the preceding section is seriously injuring the fish.

§ 7. The penalties fixed in this act shall be recoverable upon proper proceedings before a justice of the peace or magistrate in Bourbon county.

How fines to be recovered.

1874.

How fines to
be disposed of.

§ 8. All fines accruing under this act shall be equally divided between the county attorney, whose duty it shall be to prosecute all persons violating the provisions of this act, and the school fund of the county.

§ 9. This act shall take effect ninety days from and after its passage.

Approved January 22, 1874.

CHAPTER 77.

AN ACT for the benefit of H. C. Malone, late sheriff of Shelby county, and securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Amount of delin-
quent list allowed
to said sheriff.

§ 1. That H. C. Malone, late sheriff of Shelby county, having paid in full the amount of the prescribed interest, costs, and Attorney General's fee of the judgment rendered against him and securities in the Franklin circuit court on account of the revenue of 1872, except five hundred and fifteen dollars and sixty-four cents (\$515 64), amount of delinquent list not returned until after judgment was rendered, the Auditor of Public Accounts is hereby authorized and directed to allow said Malone a credit for the amount of said delinquent list, or so much thereof as may be legal and just.

Interest and
damages on judg-
ment released.

§ 2. That the twenty per cent. damages, amounting to five hundred and ninety dollars and twenty-six cents, and the five per cent. damages under the act of March 22, 1871, amounting to one hundred and ninety-nine dollars and eighty-five cents, adjudged against said Malone and securities, be, and the same hereby, remitted: *Provided*, That the sheriff shall first satisfy the Auditor, by the sworn statements of himself and deputies, that said five per cent. has not been collected from the tax-payer, and that the relief hereby granted shall only apply to all or any part of said five per cent. that has not been collected from the tax-payer.

§ 3. This act shall take effect and be in force from its passage.

Approved January 22, 1874.

CHAPTER 78.

1874.

AN ACT for the benefit of T. D. Grundy, sheriff of McCracken county, and his sureties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas D. Grundy, sheriff of McCracken county, having paid into the Treasury the full amount of the principal, interest, costs, and Attorney General's fee of the judgment rendered against him and securities in the Franklin circuit court on account of the revenue of 1872, the amount of damages and the five per cent. imposed under the act of March 22, 1871, adjudged against them be, and the same are hereby, remitted; and the Auditor of Public Accounts is directed to credit said Grundy's account accordingly.

Interest and
damages on judgment remitted.

§ 2. That said Grundy having paid into the Treasury four hundred and ninety-nine dollars and seventy-one cents (\$499 71), being the five per cent. imposed on him under the act of March 22, 1871, to change the time for paying the revenue into the Treasury, on account of the revenue of 1871, the Auditor of Public Accounts is directed to refund to said Grundy said amount, and to credit the same on his revenue account for the year 1873: *Provided*, That the sheriff shall first satisfy the Auditor, by the sworn statement of himself and his deputies, that said five per cent. has not been collected from the tax-payers, and that the relief hereby granted shall not apply to all or any part of said five per cent. that has been collected by the sheriff from the tax-payer.

§ 3. This act shall be in force and effect from its passage.

Approved January 22, 1874.

CHAPTER 79.

AN ACT to amend an act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties, so as to make the provisions thereof apply to the clerk of the Carter county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act for the benefit of the clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties," passed during the month of March, 1872, and which became a law January 10th, 1873, be amended so that the provisions thereof shall apply to the clerk of the county

1874.

court of Carter county, and the county court of said county of Carter.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 22, 1874.

CHAPTER 80.

AN ACT to amend an act for the benefit of the Bourbon County Agricultural Society, approved February 12, 1849.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful to receive horses or vehicles for pay within three hundred yards of grounds during fairs.

§ 1. That an act, entitled "An act for the benefit of the Bourbon County Agricultural Society," be so amended that it shall be unlawful for any person or persons, within three hundred yards of the grounds of said society, without the consent of the board of directors, to open any lot, stable, shed, or other place, during the continuance of said society's fairs, for the purpose of receiving for pay horses or vehicles of any description; or for any owner or owners of such lot, stable, shed, or place to permit the use of said lot, stable, shed, or place for such purpose. Any person or persons violating the provisions of this act shall be fined fifty dollars for each day so violating, to be recovered by a warrant from and to be tried before any justice of the peace for Bourbon county; and such fines shall be for the benefit of said society.

Penalty.

§ 2. This act shall take effect from and after its passage.

Approved January 22, 1874.

CHAPTER 81.

AN ACT for the benefit of Robert Wheat, a colored pauper idiot of Adair county.

WHEREAS, 'Upon inquisition held in the Adair circuit court, Robert Wheat, of said county, was found, by the verdict of a jury, to be a pauper idiot, and a judgment so entered, and an order made for an allowance of fifty dollars per annum for his support, out of the Treasury of the State; but the Auditor doubts his authority to pay said claim,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of State be, and he is hereby, authorized and directed to issue his warrant upon the

Treasurer, in favor of Geo. W. Nell, committee of said idiot, for the sum of fifty dollars, being the allowance for the support of said idiot for one year from the 25th day of February, 1873. 1874.

§ 2. This act to take effect from and after its passage.

Approved January 22, 1874.

CHAPTER 82.

AN ACT for the benefit of Ned Bradshaw, a colored pauper idiot of Adair county.

WHEREAS, Upon inquisition held in the Adair circuit court, Ned Bradshaw, of said county, was found, by the verdict of a jury, to be a pauper idiot, and a judgment so entered and an order made for an allowance of fifty dollars per annum for his support out of the Treasury of the State; but the Auditor doubts his authority to pay said claim,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of State be, and he is hereby, authorized and directed to issue his warrant upon the Treasurer in favor of Zachariah Collins, committee of said idiot, for the sum of fifty dollars, being the allowance for the support of said idiot for one year from the 27th day of February, 1873.

§ 2. This act to take effect from its passage.

Approved January 22, 1874.

CHAPTER 83.

AN ACT for the benefit of the town marshal of New Liberty, county of Owen.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town marshal of New Liberty, in the county of Owen, be, and he is hereby, empowered to appoint a deputy on special occasions, when, in his judgment, it becomes necessary, to assist him in the discharge of his official duties; and the marshal shall be responsible on his official bond for the acts of said deputy, and may take bond, with surety, from the deputy to himself for the faithful discharge of the duties of the deputy.

Marshal may appoint deputy.

To be responsible on official bond.

§ 2. This act shall be in force from its passage.

Approved January 22, 1874.

1874.

CHAPTER 84.

AN ACT for the benefit of George Boone and Robert Wimpsett.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Boone and Robert Wimpsett be, and they are hereby, authorized to erect a fish-dam at Rapier's ford, on the waters of Beech fork, in Nelson county, in this State.

§ 2 This act shall be in force from its passage.

Approved January 22, 1874.

CHAPTER 85.

AN ACT to prohibit the sale of intoxicating liquors in the town of Osceola.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful
to sell liquors in
said town.

§ 1. That from and after the time when this act takes effect it shall not be lawful for the county court of Green county, or any court or person, to grant a license to any person to sell whisky, brandy, rum, gin, wine, or spirituous liquors of any other kind, or liquors that will intoxicate, in the town of Osceola, or in two miles of the "Osceola Church," in Green county; nor shall it be lawful for any tavern-keeper, merchant, distiller, or other persons, to sell such liquors in quantities less than a barrel, within the distance of two miles of said Osceola, except it be for medical use, and then only upon the written certificate of a practicing physician: *Provided*, That any person who, in good faith, may have obtained license to retail spirituous liquors, as now provided by law, may continue to do so until the expiration of the time for which such license was granted.

Persons having
license may sell
until license ex-
pires.

Penalty for
violating act.

§ 2. That any person selling such liquors in violation of the foregoing section shall be fined one hundred dollars for the first offense, and for every subsequent offense shall be fined two hundred dollars, the fines to be collected as other fines are collected, and to inure to the benefit of the common school fund of the district in which Osceola is situated, and to be paid over to the common school commissioner of Green county; and he shall be liable on his official bond for the faithful application of the same to common school purposes of said district.

Physician not
to give certificate
except for use as
medicine.

§ 3. That it shall not be lawful for any resident physician of said county to grant a certificate to any one for the purchase of such liquors for use as a beverage, but only for use as medicine; nor shall he grant such a certificate until he shall have appeared before the county

court of Green county, and taken an oath that he will, in good faith, conform to the provisions of this act. Of the taking of such oath a record shall be made in the clerk's office of said county. Any physician violating the provisions of this act shall be fined one hundred dollars for each offense, to be recovered and applied as in section second of this act.

1874.

Physician to take oath before county court.

Penalty for physician violating act.

§ 4. This act shall take effect from the 20th of January, 1874.

Approved January 22, 1874.

CHAPTER 86.

AN ACT for the benefit of the estate of T. Jack Conn, late clerk of Jefferson county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representatives of T. J. Conn, deceased, late clerk of the Jefferson county court, be, and the same are hereby, granted further and additional time to complete the collection of the fees pertaining to the said office, and earned by the said Conn while acting as said clerk, now uncollected and belonging to his said estate, to-wit: until the first day of January, 1876.

Personal representatives to have further time to collect fee bills.

§ 2. This act to take effect from its passage.

Approved January 22, 1874.

CHAPTER 87.

AN ACT for the benefit of school district No. 27, in Hancock county.

WHEREAS, Under an act approved February 7th, 1873, for the various school districts in Hancock county, the trustees of district No. 27, in said county, levied a tax, and the same being insufficient to pay for the erection and furnishing a suitable school-building in said district; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of school district No. 27, in Hancock county, are hereby authorized to issue the bonds of said district to any amount not exceeding one thousand dollars, the same to be sold to raise funds to pay for the erection, completion, and furnishing a school-house in said district.

Trustees may issue bonds to complete school-house.

1874.

Denomina-
tion of bonds—
rate of interest—
time bonds to run.

§ 2. Said bonds not to be of a less denomination than fifty dollars, and to bear a rate of interest not greater than ten per centum per annum, which interest is to be paid annually; the said bonds to be executed (in printed form) under the signature of the school commissioner for said county, countersigned by the trustees of said district, the same not to run longer than ten years, and shall be redeemable at the pleasure of said trustees at any time after one year.

How bonds to
be paid.

§ 3. The said bonds and interest shall be paid out of the revenue raised by the tax levied and to be levied in accordance with the provisions of said act of February 7, 1873, in and for said 27th district.

§ 4. This act to take effect from and after its passage.

Approved January 22, 1874.

CHAPTER 88.

AN ACT to authorize the presiding judge of the Bath county court to sue for the taxes due or which may become due said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the presiding judge of the Bath county court be, and he is hereby, authorized to sue for and collect, in his name, as presiding judge, all taxes due or which may become due said county from any and all sources whatsoever.

§ 2. That this act shall take effect from its passage.

Approved January 22, 1874.

CHAPTER 89.

AN ACT authorizing the county court of Washington county to increase the county levy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Tax to be levied

§ 1. That, in addition to the taxes now authorized by law, there may be levied a tax at the rate of not exceeding ten cents on the one hundred dollars in value of property in the said county of Washington subject to taxation for State revenue. The county court of said county, a quorum concurring therein, may levy said tax. The sheriff of said county shall collect said tax at the times and in the manner, and with like powers of levy, distraint, and sale, as authorized by law for the collection of State revenue, and shall receive like commissions for such collec-

Sheriff to collect tax, and his fees for collecting same.

tions. He shall pay over said tax to such persons as the court may direct. The sheriff shall execute covenant to the Commonwealth, with good security, to be approved by said court, conditioned for the faithful discharge of his duties under this act.

1874.

§ 2. That money arising under this act shall be applied exclusively to the payment of the present indebtedness of the said county.

How funds to be applied.

§ 3. This act shall remain in force only for two years from its passage.

Approved January 22, 1874.

CHAPTER 90.

AN ACT to authorize the president and directors of the Nelson County Agricultural Association to borrow money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the president and directors of the Nelson County Agricultural Association may be permitted to borrow moneys, not exceeding the sum of one thousand dollars, to pay any debts they may incur, or to improve their grounds; and may, to secure such borrowing, mortgage any real estate owned by them, and may execute the bond or notes of the company in evidence of such indebtedness.

§ 2. This act shall take effect from its passage.

Approved January 22, 1874.

CHAPTER 91.

AN ACT for the benefit of Matt. Tewell and Martin Tewell and Stephen Ritchie.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Matt. Tewell, Martin Tewell, and Stephen Ritchie be, and they are hereby, authorized to erect a fish-dam at Tewell's rock, on the waters of Beech fork, in Nelson county, Kentucky.

§ 2. This act shall take effect from and after its passage.

Approved January 22, 1874.

1874.

CHAPTER 92.

AN ACT for the benefit of Union county.

WHEREAS, It is represented to this General Assembly that great dissatisfaction exists among the citizens of Union county in relation to the manner of working the public roads and passways, and keeping in repair and building the bridges of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Sheriff to open
polls to elect road
and bridge com-
missioner.

§ 1. That the sheriff of Union county is hereby directed and empowered to open a poll at the several voting precincts in said county, to be held at the next general election for justices of the peace on the first Saturday in May, 1875, for the purpose of electing a road and bridge commissioner for said county, whose duties shall be as hereinafter set forth.

Commissioner
to give bond.

§ 2. The road and bridge commissioner so elected shall, at the next regular meeting of the county court after he is elected, enter into bond with the Commonwealth of Kentucky, with good and sufficient security, to be approved by said court, for the faithful performance of his duties as required by the provisions of this act.

Power and duties
of commissioner.

§ 3. It shall be the duty of said commissioner, so elected and qualified, to take charge of and have the general management and control of the working of roads, and repairing and building of bridges, within said county. He shall have the authority to let all or any work of such character, to be done by contract, to the lowest bidder, after having duly advertised the same for at least ten (10) days, by printed or written notices, posted in the vicinity of the work to be done, at the court-house door, and at least three other places in said county; and may require from any one taking any such contract bond, with good and sufficient surety, to be approved by him, for the faithful and diligent performance of the work so taken.

Term of office.

§ 4. Said commissioner shall hold his office for four years, or until his successor is duly elected and qualified: *Provided*, That the county court of said county, a majority of the justices of the peace concurring, shall have the right, at any time, to remove him for any neglect of duty; or malfeasance in office.

Salary of com-
missioner.

§ 5. Said commissioner shall receive an annual salary of not more than eight (\$800) hundred dollars, to be appropriated by the court of claims, and payable out of the county levy.

Duty of assessor
under act.

§ 6. It shall be the duty of the assessor of said county to list the property of each district therein separately, so that the taxes raised in each of said districts for road and

bridge purposes may only be used for the repairing and building of the roads and bridges in each district.

1874.

§ 7. The sheriff of said county shall be the collector of the taxes imposed by the court of claims for road and bridge purposes, shall be responsible on his official bond for the collection thereof, and shall only pay the same, when appropriated by the court, and upon the order of the commissioner herein provided for, or to any one whom the county court may appoint to receive the same

Duties of sheriff under act.

§ 8. The commissioner herein provided for shall settle his accounts, at least once in each year, with the county court, which said settlement shall exhibit the amount expended in each district separately, to whom paid, and for what purpose.

Commissioner to make report & settlement.

§ 9. This act shall take effect from and after its passage.

Approved January 22, 1874.

CHAPTER 93.

AN ACT incorporating the bank of J. & J. A. Witherspoon, of Lawrenceburg, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby established a savings and deposit bank in the town of Lawrenceburg, Kentucky, with a capital of fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for as hereafter specified; and the subscribers, their associates, successors, and assigns, shall be a body-politic and incorporate, by the name and style of the Bank of J. & J. A. Witherspoon, of Lawrenceburg, Kentucky, and shall so continue for twenty-five years from its organization; and shall have all the rights and privileges of a natural person in contracting and being contracted with, in suing and being sued, and of impleading, answering, and defending, in all courts and places whatsoever; said bank may have and use a common seal, and change the same at pleasure.

Location of bank, and style.

Stock \$50,000; may be increased to \$100,000.

To continue for twenty-five years.

May sue and be sued.

§ 2. Said bank shall be under the control and management of not less than three nor more than five directors, who shall be stockholders residing in this State; they shall hold their office until their successors are elected and qualified; and, after the first election, shall be elected the first Monday in January in each year, or so soon thereafter as practicably convenient, and in case of vacancy, the remaining directors shall have power to appoint

To be controlled by directors—not less than 3 nor more than 5.

Time and mode of electing directors, and to pass by-laws for its government.

1874. a successor; they may elect one of their number president, who shall preside at their meetings, and perform such other duties as may be assigned by this charter or their by-laws; they shall have power to sell any of the stock remaining unsold, to declare dividends of the profits arising out of the business of the bank, to appoint such officers, agents, and employees as they deem necessary to conduct the business of the bank, and pay them for their services; to take from the president, cashier, and other employees, such bond as they may deem proper and reasonable to secure the faithful performance of their respective duties; and to make such by-laws as they may deem necessary for the proper management of the affairs of the bank: *Provided*, The same be not contrary to the Constitution and laws of this State and of the United States. The stock shall be deemed personal property; and shall be transferable only on the books of the bank by the stockholder or his attorney, under such rules and regulations as the directors may, from time to time, establish. If any officer of the bank shall appropriate any funds of said bank to his own use, or shall willfully fail to make correct returns, or knowingly make false ones on the books of said bank, with intent to cheat or defraud the corporation or other person, such officer shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the jail or penitentiary of this Commonwealth for a period of not less than two nor more than five years.

Stock personal property.

Penalty against officers for misappropriation of funds, &c.

Commissioners appointed to procure subscription of stock, and manner and time.

§ 3. That J. Witherspoon, J. A. Witherspoon, and A. C. Witherspoon, are hereby appointed commissioners, any two of whom, after giving notice to the others, may open books in the town of Lawrenceburg and receive subscriptions for the capital stock of said bank; and whenever fifty thousand dollars of said stock shall have been subscribed and paid for, it shall be their duty to give notice to the stockholders, and appoint a day for the election of a board of directors, who shall hold their office until the ensuing annual election. The payments for the shares shall be one hundred dollars for each share, to be paid for at the time of subscribing. Said corporation may commence business so soon as the sum of fifty thousand dollars shall have been subscribed and paid in as capital.

Authorized to receive deposits & do general banking business; take personal & other surety and sell same.

§ 4. Said bank may receive deposits of gold and silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such money and at such times as may be agreed upon with the depositors by special or general contract; may deal in the loaning of money; may buy and sell bills of exchange, promissory notes, uncurrent money, stocks, bonds, mortgages, and other evidences of debt; take personal and other secu-

rities for the payment of the same, and, upon the non-payment of the debt on demand after maturity, may sell said securities in accordance with the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871. All promissory notes made payable at said bank, or other banks in this State, and inland bills of exchange which may be discounted and owned by said bank, shall be, and are hereby, put on the same footing of foreign bills of exchange; and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

§ 5. It shall be the duty of the president of said bank, on the first Monday of January in each year, to pay into the State Treasury the sum of fifty cents on each one hundred dollars of capital stock, which shall be in full of all State tax or bonus, and be a part of the revenue proper: *Provided*, That nothing in this charter shall exempt the real estate or other property of the bank, not represented by the stock, from taxation: *Provided further*, That the stock and wealth of said bank shall be subject to State, county, and municipal taxation, the same as property of private individuals.

Tax to be paid
to State, &c.

§ 6. This act shall take effect from and after its passage.

Approved January 22, 1874.

CHAPTER 94.

AN ACT for the benefit of D. C. Wilcox, late tax collector of the city of Paducah.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. C. Wilcox, late tax collector of the city of Paducah for the years 1870, 1871, and 1872, be, and he is hereby, vested with the right, power, and authority, for and until the 1st day of January, 1875, to collect the uncollected taxes due said city for the years 1870, 1871, and 1872, under the tax-books of said city for said years now remaining unpaid, and the time is hereby given said collector and extended to the 1st day of January, 1875, in which to make, and he is hereby given the right and power to make, levies upon and sale of the property, real or personal, of all delinquent tax-payers for said years, to satisfy such unpaid taxes; and in all other respects said collector shall be governed by the provisions of the charter of the city of Paducah, approved the 27th of March, 1872, as to the mode or manner of levy and sale, and return thereof, which charter is to govern all other mat-

Time extended in
which to collect
uncollected taxes.

May make levies.

Provisions of
charter to apply
to and govern
said collection.

1874. ters and rights not herein specially provided for: *And provided always*, And it is hereby declared to be the true intent of this act that said collector shall, in all respects, be governed by the charter of Paducah as far as the same is consistent with this act, and the sales to have the same effect, and the same time is given for the redemption of real estate sold, as prescribed by said city charter.

§ 2. This act shall take effect from its passage.

Approved January 23, 1874.

CHAPTER 95.

AN ACT to amend an act, entitled "An act for the protection of the livery-stable keepers of this Commonwealth," approved January 31st, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act for the protection of livery-stable keepers in this Commonwealth," approved January 31st, 1871, be, and the same are hereby, applied to the counties of Warren and Elliott.

§ 2. This act shall take effect and be in force from and after its passage.

Approved January 23, 1874.

CHAPTER 96.

AN ACT to amend an act, entitled "An act to incorporate the town of Grayson, in Carter county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary as
extended.

§ 1. That section 1 (one) of an act, entitled "An act to incorporate the town of Grayson, in Carter county," approved February 22, 1860, be amended so that the corporate limits of said town shall be fixed and bounded as follows, viz: beginning at the State road leading from Grayson to Olive Hill, at the first drain west of the residence of Susan Armstrong; thence down said drain to the town branch; thence a straight line to and including the residence of John Ratcliff, in said town; thence a straight line to the forks of the road leading from Grayson towards Mt. Savage Furnace, near the residence of Jno. Shraub; thence a straight line to a stake in the county road leading from Grayson to Coalton, in the mouth of the lane east of the store of Messrs. Gibbs & Co.; thence a straight line north to a stake in the line of fence of W. D. Jones, below the depot of the East-

ern Kentucky Railway Company; thence a straight line a westerly course to the northeast corner of Samuel W. W. Osenton's lot; thence with the north line of said lot to the north line of Dr. Lewis Prichard's land; thence with his north line to the line of Stephen Nethercutt; thence with his line to the top of the hill; thence around the ridge with the plank fence of said Nethercutt to where the same starts down the hill; thence a straight line to the beginning.

1874.

§ 2. That the powers and duties of the marshal of said town shall be the same as that of constable in said county; and he shall have power to serve criminal and civil process, and collect fee bills, executions, and other claims put into his hands for collection generally, in said county of Carter, under the same rules and restrictions as constables are governed by under general laws.

Powers, duties, and responsibility of marshal.

§ 3. That it shall be the duty of the board of trustees of said town to hold their meetings at least once in each month, which shall be held in the court-house in said town; and on their failure to hold such meeting, they shall be severally liable to a fine of ten dollars each, to be recovered by indictment in the name of the Commonwealth.

Duty of board of trustees.

§ 4. This act shall take effect and be in force from and after its passage.

Approved January 23, 1874.

CHAPTER 97.

AN ACT to amend an act, entitled "An act providing for the collection of railroad tax in the county of Montgomery."

WHEREAS, W. B. Tipton was appointed collector and receiver of the tax levied by the Montgomery county court for the benefit of the Elizabethtown, Lexington, and Big Sandy Railroad Company, under the act providing for the collection of the railroad tax in the county of Montgomery, approved April 16, 1873, and died before completing the duties of the office of collector and receiver aforesaid, and many tax-payers had arranged with said collector and receiver for the payment of their taxes; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Montgomery county, composed as provided in section one of the act providing for the collection of railroad tax in the county of Montgomery, approved April 16th, 1873, shall proceed to appoint a successor to said Tipton, who shall have all the power

County court may appoint collector and receiver of railroad tax — his power and duties.

1874. and rights conferred by the act aforesaid on the collector and receiver, except that the time within which the tax-payers may pay the amount of the taxes due by them is extended to the 20th day of February, 1874; and the collector and receiver shall have no power to coerce the payment of ten per cent. damages on the amount of taxes due by the delinquent tax-payers until after said 20th day of February, 1874.

§ 2. This act is to apply to the collection of the railroad tax aforesaid levied for 1873 only.

§ 3. This act to take effect from its passage.

Approved January 23, 1874.

CHAPTER 99.

AN ACT repealing an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county," approved March 29th, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to prohibit the sale of spirituous, vinous, or malt liquors in Crittenden county, approved March 29th, 1873, be, and the same is hereby, repealed.

§ 2. This act shall be in force from its passage.

Approved January 24, 1874.

CHAPTER 100.

AN ACT to repeal an act, entitled "An act declaring certain portions of Roundstone creek, in Rockcastle county, a navigable stream," approved April 24, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act declaring certain portions of Roundstone creek, in Rockcastle county, a navigable stream," approved April 24, 1873, be, and the same is hereby, repealed.

§ 2. That this act shall take effect from its passage.

Approved January 24, 1874.

CHAPTER 101.

1874.

AN ACT to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Glasgow Junction precinct, in Barren county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Glasgow Junction precinct, in Barren county," approved February 6th, 1873, be, and it is hereby, repealed; and all acts and parts of acts repealed by said act are hereby re-enacted and made the same as if said act had never been passed.

§ 2. This act shall take effect from its passage.

Approved January 24, 1874.

CHAPTER 102.

AN ACT to repeal an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in the county of Barren."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to prohibit the sale of spirituous, vinous, or malt liquors in Cave City precinct, in the county of Barren," approved January 21st, 1873, be, and it is hereby, repealed; and all acts and parts of acts repealed by said act are hereby re-enacted, and made the same as if said act had never been passed.

§ 2. This act shall take effect from its passage.

Approved January 24, 1874.

CHAPTER 103.

AN ACT to extend to the farmers in Fayette county the lien provided in an act, entitled "An act for the protection of livery-stable keepers in this Commonwealth," approved January 31, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That the lien provided in an act, entitled "An act for the protection of livery-stable keepers in this Commonwealth," approved January 31, 1871, be extended to the farmers in county, so that within said county the lien given in said act to the owners and keepers of livery-stables shall also be given to farmers upon the stock placed in their charge, for the reasonable charges, or such as may be agreed upon by contract for feeding, grazing, or caring for such stock; and that all the remedies provided in said act for the enforcement of said lien in favor of owners

Livery stable-keepers' lien extended to farmers who graze stock in Fayette county.

1874. and keepers of livery-stables shall be fully applicable. within said county, to the persons in whose favor said lien is extended in this act.

§ 2. This act shall take effect from and after its passage.

Approved January 24, 1874.

CHAPTER 104.

AN ACT to amend the charter of the Lexington Building and Accumulating Fund Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to incorporate the Lexington Building and Accumulating Fund Association," approved February 24, 1872, be so amended that the corporate name of said association be, and the same is, now changed from that of the "Lexington Building and Accumulating Fund Association No. 1" to "Lexington Building and Accumulating Fund Association."

§ 2. This act shall take effect from and after its passage.

Approved January 24, 1874.

CHAPTER 105.

AN ACT to legalize certain acts of a deputy clerk of the Logan county court.

WHEREAS, On the 25th day of September, 1871, James H. Campbell was sworn as a deputy clerk of Logan county court; and whereas, it was unknown to the clerk of said county court at the time of appointment, and for a considerable time thereafter, that said Campbell was postmaster at Gordonsville, in said county, and holding an office under the United States Government; and doubts having arisen as to the legality and binding force of the official acts of said Campbell; therefore, for remedy whereof,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all official acts done and performed by James H. Campbell, as deputy clerk of the Logan county court, be, and the same are hereby, declared legal and binding upon all parties affected thereby.

§ 2. This act shall be in force from and after its passage.

Approved January 24, 1874.

CHAPTER 107.

1874.

AN ACT for the benefit of the judge of the Hart county quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Hart county quarterly court be, and he is hereby, authorized to appoint a clerk for said court, other than the county court clerk of said county, with full power to administer oaths.

§ 2. This act to take effect from its passage.

Approved January 24, 1874.

CHAPTER 108.

AN ACT for the benefit of Gallatin county.

WHEREAS, The Gallatin county court will be required, during the present year, or the year 1875, to expend a considerable amount of money in the construction of bridges over Eagle creek and Craig's creek; and it appearing that it will be advantageous to said county to have the ready money to meet all contracts that are or may be made, either for work or material, as such work may progress, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall and may be lawful for said Gallatin county court to borrow a sum of money for the purposes aforesaid, not exceeding five thousand dollars, at any rate of interest not higher than ten per centum per annum; and that whensoever the committee for that purpose, or that may be hereafter appointed for said purpose of borrowing said money by said court, shall certify, under their hands, that they have received from any individual or individuals any money for the purpose aforesaid, it shall be the duty of the county court to make an order of the fact on the order-book of said court, and award to the person or persons a copy thereof, attested by the clerk of said court, in which it shall be stated the time it was obtained, the rate of interest agreed upon, and from whom the same was borrowed. No single certificate to be for more than one hundred dollars; and which certificates, so issued, shall be binding upon said county until the same are fully paid.

§ 2. And it shall and may be lawful for said county court of Gallatin, a majority of the justices of the peace of said county being present and concurring, to increase the ad valorem tax for one year, over and above the sum now allowed by law, in the sum of ten cents on every one

1874. hundred dollars' worth of property of said county now subject to revenue tax.

§ 3. This act to take effect from its passage.

Approved January 24, 1874.

CHAPTER 111.

AN ACT to repeal article 2, chapter 102, of General Statutes, so far as the same applies to Wayne, Pulaski, and other counties are concerned.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That article two (2) of chapter (102) one hundred and two of the General Statutes, be, and the same is hereby, repealed, so far as the same applies to the counties of Wayne, Pulaski, Barren, Monroe, Metcalfe, Trigg, Calloway, Livingston, Lyon, Hickman, Fulton, Graves, Marshall, Ballard, McCracken, Caldwell, Hopkins, Crittenden, Daviess, Hancock, Magoffin, Nelson, Spencer, Shelby, Nicholas, Carter, Fleming, Rowan, Floyd, Pike, Letcher, Clay, Johnson, Harlan, Whitley, Bell, Knox, Laurel, Rockcastle, Jackson, Perry, Ohio, Butler, McLean, Henderson, Union, Webster, Oldham, Henry, Carroll, Trimble, Todd, Logan, and Simpson, Washington, Estill, Powell, Cumberland, Clinton, Adair, Russell, and Allen.

§ 2. This act shall take effect from its passage.

Approved January 26, 1874.

CHAPTER 112.

AN ACT for the benefit of Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Christian county be, and is hereby, authorized to purchase any bonds, stocks, or other securities which said county now holds, or may hereafter hold, as collateral security, to secure the payment to said county of sixty thousand dollars, with the interest thereon, which is now due and to become due from the St. Louis and Southeastern Railway Company, consolidated.

§ 2. That the county court of Christian county be, and is hereby, authorized to purchase any of the bonds of said county, issued by said county to pay its subscription of two hundred thousand dollars to the Evansville, Henderson, and Nashville Railroad Company.

§ 3. This act to take effect and be in force from and after its passage. 1874.

Approved January 26, 1874.

CHAPTER 114.

AN ACT for the benefit of the common schools of Trigg and Ballard counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the surplus school fund belonging to the counties of Trigg and Ballard shall be drawn out of the Treasury upon the order of the county court of said counties respectively, at its February or March term, 1874, a majority of the justices being present and concurring.

Surplus school fund to be drawn on order of county court.

§ 2. That the commissioner of common schools for said counties shall distribute this fund for the purpose, and in the manner now prescribed by law, unless the said county court shall deem it of more advantage to the interest of common schools in said county to put the same out at interest; and in that event, the said court shall direct the commissioner of common schools to loan out the same, taking bond with good surety, payable to himself or successor in office, and bearing interest at a rate not less than eight nor more than ten per cent. per annum, which interest shall be distributed by him as other school funds in his hands are by law directed.

Power and duties of school commissioner under act.

§ 3. If said school fund, or any part thereof, shall be loaned by said commissioner, and before the amount loaned shall pass from his hands, he shall report said bond to county judge for his approval or rejection.

If funds are loaned county court to approve bond.

§ 4. It shall be the duty of said commissioner of common schools for said counties to make an annual statement to the county court of the condition and amount of said funds so long as any part thereof shall remain in his hands.

Commissioner to make report.

§ 5. That this act to take effect from and after its passage.

Approved January 27, 1874.

CHAPTER 115.

AN ACT empowering the county court of Washington county to make additional subscription to certain turnpike roads.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Washington county be, and they are hereby, authorized and empowered, a ma-

County court may make additional subscriptions to turnpikes.

1874. jority of the justices of said county being present and concurring therein, at any regular county court, to make additional subscription of stock to the Springfield, Pleasant Run, and Maxville, the Springfield and Bloomfield Turnpike Road Companies: *Provided*, That said additional subscription shall not exceed eight hundred dollars to each unfinished mile of said roads.

No money to
be paid until each
mile is finished.

§ 2. That no money subscribed by said county court shall be paid to said turnpike road companies until each mile of the roads subscribed for shall have been completed, or until said court shall be fully satisfied, in open court, that the said companies are fully able to complete their roads with the aid of such subscription.

County court
may levy tax to
pay said subscrip-
tion.

§ 3. That said county court shall have the power, a majority of the justices concurring therein, to levy an ad valorem tax upon all the taxable property in said county, not exceeding twenty-five cents upon each one hundred dollars listed for taxation, to raise a sum sufficient to pay off and discharge the said subscription of stock; and said tax may be imposed yearly until the debt is fully discharged.

Sheriff to col-
lect said tax.

§ 4. The said tax shall be collected by the sheriff of said county, in the same manner and for the same compensation as is now fixed for collecting the State revenue, and said sheriff shall be responsible on his official bond for all money so collected.

§ 5. This act shall be in full force and effect from its passage.

Approved January 27, 1874.

CHAPTER 116.

AN ACT to repeal an act declaring Wolf river a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved March 19th, 1873, chapter four hundred and thirty-one of private acts, declaring "all that part of Wolf river, situated in the State of Kentucky, below Sells' mill," a navigable stream, be, and the same is hereby, repealed.

§ 2. That this act take effect from its passage.

Approved January 27, 1874.

CHAPTER 118.

1874.

AN ACT for the benefit of James W. Hog and Lewis S. Lee, late sheriffs of Letcher and Ballard counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James W. Hog and Lewis S. Lee, late sheriffs of Letcher and Ballard counties, have the further time of two years, from and after the passage of this act, to collect the uncollected revenue and county levy due from the citizens of the counties of Letcher and Ballard for the years 1867, 1868, 1869, 1870, 1871, 1872, and 1873.

§ 2. This act shall take effect from its passage.

Approved January 26, 1874.

CHAPTER 119.

AN ACT to regulate the sale of spirituous or intoxicating beverages in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court, and all other courts and municipal authorities within the county of Lewis, are prohibited from granting any license to any person or persons to vend or dispose of any spirituous liquors or intoxicating beverages within said county in a less quantity than two gallons; and no person shall vend or dispose of a less quantity thereof than two gallons; and all licenses for the vending or disposing of less than two gallons, so granted after this act takes effect, shall be absolutely void.

County court and other authorities not to grant license to sell less than two gallons of spirituous liquors.

§ 2. No part of such ardent spirits or intoxicating beverages, when sold in quantities of two gallons or less than two gallons, shall be drank on any other premises than the premises of the purchaser, or premises under his control; and if so drank upon the premises not in the possession of the purchaser, or under his control, the vendor or person disposing of the same to the vendee or receiver shall be guilty, for each act, of keeping a tippling-house, and subject to all the penalties now imposed by law on persons keeping a tippling-house; and shall, moreover, be liable in a civil action for all damages resulting from the use thereof; and which right of action shall first be given to the wife, in case the damages resulted from use by the husband; and second, if there be no wife, then to the minor children; and if there be no minor children, then to any person who shall sue, and half of the recovery, the other half to the county in aid of the repair of roads and bridges.

Such liquor to be drank alone on premises of purchaser.

Penalty on vendor for a violation of this act.

Made liable to civil action for damages, and to whom amount recovered to go.

1874.

Act to be submitted to people for ratification or rejection.

§ 3. The first and second sections of this act shall take effect and be in force from the first of December, 1874: *Provided*, A majority of the persons qualified to vote for Senators and Representatives, who shall vote at the November election, 1874, for Congressmen, for or against the act, shall vote "yes."

Duties and liabilities of officers of election.

§ 4. The sheriffs and other officers of the election, at the different voting places in said county, shall cause two columns to be opened on the poll-books of said election, marked "yea" and "no;" the persons voting for the act shall be counted in the column marked "yea," and those voting against it, in the column marked "no." The same penalties are prescribed, and shall be recovered by like remedies, against the officers of election and other persons for frauds or neglect of duty in the conduct of the election, or for illegal voting, as also by law imposed in the election of Senators and Representatives.

Duties of board of canvassers.

§ 5. The board of canvassers of the election held in said county shall count the votes for and against the law, and declare the result; and shall give one or more certificates thereof, one of which shall be presented at the next county court held thereafter, and the same shall be recorded on its order-book.

§ 6. The third, fourth, fifth, and sixth sections of this act shall take effect from its passage.

Approved January 28, 1874.

CHAPTER 120.

AN ACT to authorize the jailer of Caldwell county to appoint an assistant.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jailer to appoint deputy.

§ 1. That it shall be lawful for the jailer of Caldwell county, by and with the consent and approval of the county court of said county, to appoint an assistant or deputy, to assist said jailer in the performance of his duties.

Duties of deputy jailer.

§ 2. That said assistant or deputy, when he shall have been appointed as provided in the first section of this act, shall have the same power to receive, confine, and release prisoners that the said jailer of said county now has; but before the said assistant or deputy shall enter upon the discharge of his duties, he shall execute bond, with security, to the Commonwealth of Kentucky, to be approved by the county court of said county.

He shall give bond.

§ 3. This act to take effect from and after its passage.

Approved January 28, 1874.

CHAPTER 121.

1874.

AN ACT to amend an act approved March the 28th, 1872, entitled "An act authorizing the Boone county court to appoint trustees for the Burlington Burying-ground, and prescribing their duties."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to authorize the Boone county court to appoint trustees for the Burlington Burying-ground, and prescribing their duties," be, and the same is hereby, amended as follows: That in addition to the powers and duties conferred on the trustees of said burying-ground, by the act to which this is an amendment, they are hereby authorized to take and hold, by devise, gift, or donation, any personal property or money that may be devised, donated, or given to them for the benefit of said burying-grounds.

Powers and duties of trustees.

§ 2. That they may raise by subscription, when necessary and practical, such sums of money as they may think proper, to beautify and repair said grounds, or for any other purpose connected therewith. Any money or property so devised, or subscribed to them for the benefit of the said grounds, may be sued for and recovered by them in any court of competent jurisdiction in this Commonwealth. Any personalty given, donated, or devised to said trustees may be converted by them into money, to be used, held, and accounted for by them as trustees; and they may be required by the county court to execute bond to the Commonwealth, with approved security, for the faithful performance of their duties

To give bond.

§ 3. The said trustees may take by purchase, devise, or gift, any real estate, not exceeding ten acres, within one half mile of the town of Burlington, to be as an additional to or a separate burying-ground, as to them may seem best, in either event to be used and held by said trustees for the purposes declared in this and the act to which this is an amendment.

May take by gift, purchase, or devise, additional ground.

§ 4. The trustees may recover by suit, in their names as trustees, against the owners of stock which may break over or through the inclosure of said burying-grounds, for all damages done by such stock so trespassing upon said burying-grounds, and in such actions the recovery shall be equal to the amount of damages proven and costs of suit; and in case it be shown that the owner of the stock had turned the same, or caused the same to be turned, upon said grounds, then the damages may be exemplary, in the discretion of the court or jury. And every action provided for or allowed by this section the said trustees shall have a lien upon the stock committing the trespass, and a specific attachment shall be granted them, at or after the commencement of the suit, by the

May recover damages for trespasses.

Attachment, may issue.

1874. justice of the peace before whom the suit is brought; if in any other court, then by any officer authorized by law to grant such attachments. No affidavit shall be required before granting and issuing such attachment; but bond, with approved security, shall be given by the trustees to the defendant, conditioned that the trustees will pay the defendant the damages he may sustain by reason of the attachment, if it be wrongfully obtained. The bond shall be taken and approved by the justice or officer issuing the attachment; and all necessary orders and judgments shall be made by the court concerning the safe-keeping of the stock attached, its sale, and appropriation of the proceeds to the satisfaction of the judgment obtained, as may be proper.

Owner of attached property may execute bond and discharge attachment.

§ 5. The owner of the property attached may execute bond to the trustees in double the amount of their claim, with surety, to be approved by the sheriff or officer having in hands the attachment, conditioned that said defendant will perform the judgment in the action, which bond shall discharge the attachment and any levy made under it; and said bond shall be returned by the officer with the summons, and may be proceeded on as is provided by law in case of attachments. The officer granting the attachment may prescribe the terms of such other bond as may authorize defendant to retain possession of the attached stock and have it forthcoming to answer the judgment of the court in the action, which may be enforced by rule or appropriate action. The net amount collected by any proceedings under this section shall be appropriated as directed by section four of the act to which this is an amendment.

Trustees to be allowed reasonable compensation.

§ 6. The trustees, in their settlements, shall be allowed a reasonable compensation for their services, and all reasonable and necessary attorneys' fees paid or agreed to be paid by them, and the costs of suits brought by them, where they are required to pay costs.

§ 7. This act to be in force from and after its passage.

Approved January 28, 1874.

CHAPTER 122.

AN ACT for the benefit of the marshal of Georgetown.

WHEREAS, By law, any person who shall have held the office of town marshal for two consecutive terms is ineligible to re-election; and whereas, the trustees of Georgetown, and many citizens directly interested, have memorialized the General Assembly to provide for the re-election of their present town marshal; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1874.

§ 1. That such ineligibility shall not attach to the present marshal of Georgetown, Scott county, Kentucky.

§ 2. This act shall take effect from and after its passage.

Approved January 28, 1874.

CHAPTER 124.

AN ACT to repeal an act, entitled "An act to charter the Barren County Bank."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That an act, entitled "An act to charter the Barren County Bank," chapter two hundred and fifty-three, acts of January session, 1873, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved January 29, 1874.

CHAPTER 125.

AN ACT to amend the charter and amendment thereto of the Deposit Bank of Glasgow.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to charter the Deposit Bank of Glasgow," approved on the 27th day of February, 1869, and amendment thereto, approved 26th February, 1873, be, and the same is hereby, so amended that the capital stock of said bank, from and after the passage of this act, shall be two hundred and fifty thousand dollars, instead of one hundred thousand dollars, as now provided by said charter.

Capital stock increased to \$250,000.

§ 2. The additional stock hereby granted may be subscribed for at such time, and in such sums, and in such manner, as the board of directors of said bank may direct.

Mode of subscribing additional stock.

§ 3. The board of directors of said bank shall, on the first Saturday in January and July in each year, out of the net earnings of said bank, provide, by order on their bank-books, for the payment of the fees or salaries of the officers of said bank for the six months next preceding: *Provided*, That it shall not be lawful for said board of directors to appropriate for that and other purposes, for

Mode of paying salaries fixed.

1874. any twelve months, a greater sum than one fourth of the interest on the capital stock of said bank actually paid in at the time, calculating interest at ten per cent. per annum.

§ 4. All parts of said charter in conflict with this amendment is hereby repealed.

§ 5. This act shall take effect and be in force from and after its passage.

Approved January 29, 1874.

CHAPTER 126.

AN ACT for the benefit of S. S. Farris, sheriff of Barren county, and his securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when the full amount of the principal, interest, costs, and Attorney General's fee of the judgment rendered in the Franklin circuit court against S. S. Farris, sheriff of Barren county, and shall be paid into the Treasury, the amount of damages, including the five per cent. imposed under the act of March 22, 1871, adjudged against them on account of the revenue of 1872, be, and they are hereby, remitted: *Provided*, That said principal, interest, costs, and Attorney General's fee shall be paid within sixty days from the passage of this act: *And provided further*, That before said five per cent., or any part of it, shall be remitted, said Farris and his deputies shall make oath, in open court, that said five per cent. has not been collected, or what part, if any of it, has been collected, and only that part which has not been collected shall be remitted.

§ 2. This act shall be in force from its passage.

Approved January 29, 1874.

CHAPTER 128.

AN ACT to authorize the board of directors of the Richmond and Lexington Turnpike Road Company to take stock in the Athens and Walnut Hill Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the Richmond and Lexington Turnpike Road Company be, and they are hereby, authorized to subscribe not exceeding five hundred dollars to the capital stock of the Athens and Wal-

May take stock
in Athens and
Walnut Hill
Turnpike.

nut Hill Turnpike Road Company, and pay the same out of the net dividends of the said Richmond and Lexington Turnpike Road Company, and receive and hold and draw dividends on the amount of stock subscribed: *Provided*, The Athens and Walnut Hill Turnpike Road Company shall, in good faith, construct, within two years, a turnpike or macadamized road from Athens, in Fayette county, to a point of intersection on the Richmond and Lexington Turnpike Road, between gate No. 2 and Kentucky river.

§ 2. This act shall take effect from its passage.

1874.

Approved January 29, 1874.

CHAPTER 129.

AN ACT relating to opening and repairing roads in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the April term, 1875, of the Boone county court, to consist of the presiding judge and the justices of the peace in said county, or a majority of them, who shall be summoned by the said judge to meet with him, shall divide each one of the ten civil districts or election precincts in said county into four road districts, each of said four districts to contain as near the same number of miles of road as may be, without actual measurement; and also as near the same number of persons who are by law required to work on the roads; the boundaries of said districts to be clearly defined, and copied in the order-book of said court.

County court to divide county into road districts.

§ 2. That the court shall levy upon each person in the county of Boone, who by law is required to work on the public roads of said county, a tax of two dollars annually, which shall be collected by the sheriff as other taxes, and shall be expended in the road district in which such taxpayer resided at the time of the assessment of the same, under the direction of the surveyor of roads in said district, only in the improvement of the public roads of said district.

Court to levy road tax.

§ 3. It shall be the duty of the assessor of said county, when he takes the lists of taxable property for said county for each year, to rule a column, and take a complete list of every male inhabitant of said county who is, by the general laws of the State, required to work on the public roads; which lists shall be copied by the clerk on the book delivered to the sheriff. The sheriff shall settle, account for, and report the taxes collected under this act, and the delinquents of whom the same cannot

Duties of assessor under act.

Duties of sheriff under act.

1874. be made, at the same time and in the same manner as is provided in relation to the ordinary county levy.

Tax may be worked out.

§ 4. The tax provided for in the preceding sections of this act may be discharged in work and labor done upon the public road, within the proper district of each person so assessed, under the direction of the surveyor of the road, at the rate of one dollar for each full day's work; and it shall be the duty of each surveyor of public roads in said county to give to every person, within the limits of his district, a certificate showing the number of full days' work performed as aforesaid; which said certificate shall be receivable by the sheriff in discharge of the taxes provided for in the second section of this act.

Assessor to keep districts separate; his compensation.

Compensation of sheriff.

§ 5. The assessor shall keep the lists of each civil district or election precinct separate, and he and the county clerk shall be allowed a reasonable compensation for the services performed under this act by the court of claims for said county. The sheriff shall be allowed the same commissions as are by law allowed for collecting the county levy.

County court to appoint surveyors and their duties.

§ 6. The county court shall, at its April or May term, 1875, and annually thereafter, appoint in each road district, as provided in the first section of this act, some discreet and proper person as surveyor of roads for said district, who shall be notified of his appointment in the manner provided for in the General Statutes, section twenty-six, chapter ninety-four, title "Roads and Passways." It shall be the duty of the surveyor to superintend the opening, repairing, and keeping in repair all the public roads in his district. He shall, between the first day of April and the first day of July in each year, notify all persons who may elect to pay their poll-tax assessed for road purposes in work, of the time he desires them to work, and of the place where he wishes the work to be done, by giving them at least two days' notice; he shall report to the court at the expiration of the time for which he was appointed surveyor, and sooner if required by the court; said report shall be verified by oath, and shall show what amount of road funds came into his hands, to whom, when, and for what purpose the same was expended; and he shall be allowed, as compensation, two dollars for each full day he is actually engaged in the services required by this act, which sum he may retain out of any funds in his hands. And for a failure to perform any of the duties required of him by this act, he may be proceeded against by the presentment of a grand jury, and, upon conviction, shall be fined by the circuit court in any sum not less than five dollars nor more than twenty dollars, in the discretion of a jury.

Penalty for failure to perform duties.

§ 7. The court shall levy a tax of five cents on each one hundred dollars' worth of property which by law is taxed for revenue purposes, which tax shall be collected by the sheriff of the county in the same manner and under the same responsibilities, and shall be allowed the same compensation as is provided by law for collecting the public revenue, and he shall pay over the same to the several surveyors of roads upon the order of the court. The court will order that all the tax and levy collected by the sheriff shall be equally distributed among the several surveyors of roads in the civil district or election precinct in which said taxes were assessed.

1874.

Court to levy ad valorem tax, and how disposed of.

§ 8. As soon as the assessors' books are returned, and the levy made, the clerk shall make out a copy of the assessment for each election district separately, and by it and the levy he shall make a statement of the amount of the road tax due from every person in each civil district or election precinct, and the amount from every person who owns property in a district and resides elsewhere: *Provided*, That where parts of the same tract of land lies in two or more election districts, it shall be included in that civil district in which the owner resides; and this copy and statement shall be given to the sheriff.

Duties of county clerk under act.

§ 9. That the court shall order a poll opened at each of the places of voting, at the election to be held in said county on the first Monday in August next, "For or against the road law," and the result of said vote shall be declared by the board of examiners, who examine the polls of other elections to be held at the same time; and if it shall be found that a majority of those who voted on the question have voted for the "road law," then this act to be in force: *Provided*, That the general road laws of the State of Kentucky shall remain in force, and applicable to Boone county, until the first Monday of April, 1875.

Act to be submitted to people.

§ 10. That it is hereby made the duty of the county court, for at least one month before the vote is taken, as provided for in this act, to have this act printed, and posted up at one or more places in each election district in said county, and also at or near the polls on the day of election.

Notice to be given of election.

§ 11. The court may, from time to time, change or alter the boundaries of the road districts, as provided for in the first section of this act, whenever it shall appear that such change is necessary and proper; and wherever a county road may be a dividing line between two civil districts or election precincts, the court shall so divide the same as that equal portions thereof shall be included in each of the said districts.

Court may change or alter boundaries of road districts.

1874.

§ 12. *Be it further enacted*, That all acts or parts of acts coming in conflict with this act, so far as they apply to Boone county, be, and the same are hereby, repealed.

Approved January 29, 1874.

CHAPTER 131.

AN ACT to amend an act to incorporate the Lebanon and Pope's Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Beginning point
changed.

§ 1. That section one of the above recited act be, and the same is hereby, so amended as to authorize the beginning point for the construction of said road to be at the mouth of Thomas Jackson's lane, in the limits of Lebanon, or at any other point in or near said town the president and directors, when elected, may prescribe.

When company
may organize.

§ 2. That section two of said act be so amended as to authorize the company to organize for the election of officers of said company when two thousand dollars of stock shall have been subscribed.

Width and grade
of road.

§ 3. That section five of said act be so amended as to prescribe that the grade of said road shall not be less than twenty feet wide, and the gravel or rock put thereon not less than sixteen feet wide, and to be at least ten inches deep in the center and five inches at the edges, and the elevation and depression of grade in the length of the road to be in no part over four degrees.

County court
may subscribe
stock.

§ 4. That the subscription of five hundred dollars per mile, authorized by the original act to be made by the Marion county court to the capital stock of said company, may be made, from time to time, as the work on said road shall progress, and though less than five miles of road may be completed.

§ 5. This act shall take effect from its passage.

Approved January 29, 1874.

CHAPTER 132.

AN ACT to authorize the county court of Garrard county to sell and convey the poor-house farm, and reinvest the proceeds.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

County court
may sell poor-
house lands and
buy others.

§ 1. That the county court of Garrard county, a majority of the justices of the peace being present and concurring therein, be, and they are hereby, authorized to sell and convey the poor-house farm belonging to Gar-

rard county, and invest the proceeds of such sale in other lands for like purposes. 1874.

§ 2. That before the title to said poor-house farm shall pass by reason of any sale made as provided in section one of this act, the same shall be ratified by a vote of a majority of all the justices of the peace for said county in open court; and said ratification shall be entered in full on the order-book by the clerk of said court.

Act to be ratified by majority vote of justices entered of record.

§ 3. This act shall take effect from its passage.

Approved January 29, 1874.

CHAPTER 133.

AN ACT to prevent the destruction of fish in the ponds, lakes, and creeks in the counties of Hickman, Fulton, and Ballard, in this Commonwealth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person hereafter to place any net or drag any seine in any of the creeks, ponds, or lakes in the counties of Hickman, Fulton, and Ballard, for the purpose of taking fish in said waters, nor shall any poisonous drug or substance, or liquid of any kind, be cast in said waters for the purpose of catching and destroying the fish in the same.

Made unlawful to net or seine in creeks, ponds, &c., or to drug waters to catch fish.

§ 2. Provided, that nothing herein shall be so construed as to prevent any person from fishing in said ponds, creeks, and lakes with hook and line, nor shall the same apply to any person owning the lands through which said creeks may run, or on which said ponds or lakes may be located.

To whom act does not apply.

§ 3. That any person, save those excepted in section second, who shall violate the provisions of this act, shall be fined not less than ten dollars nor more than thirty dollars therefor; and that every twenty-four hours that said net or seine shall remain in said creeks, ponds, or lakes, shall be deemed a separate offense.

Penalty for violation of act.

§ 4. That county judges and justices of the peace shall take special cognizance of this act, and shall, upon information received of its violation, issue warrants for the arrest of the offenders, to be dealt with as the law directs.

What authorities to have jurisdiction.

§ 5. That this act shall take effect from and after the first day of June, 1874.

Approved January 29, 1874.

1874.

CHAPTER 135.

AN ACT to define and fix the boundaries of the Murray common school district, and to re-enact an act, entitled "An act for the benefit of the Male and Female Institute," approved March 17, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary defined of school district No. 35, and duty of commissioner.

§ 1. The present boundaries of the Murray common school district, No. 35, in Calloway county, are hereby fixed and established as follows: beginning at the northeast corner of section twenty-six, township two, range four east, on the west bank of Clark's river; thence west to the northwest corner of the northeast quarter of section twenty-seven, same township and range; thence south with line dividing section twenty-seven, and on to Clark's river; thence down said river, with its meanderings, to the beginning. The common school commissioner of said county shall so enter said boundaries on his books; but that the said boundary shall not exclude the residences, persons, or children heretofore attached thereto by the common school commissioner of said county.

Trustees of Murray authorized to take and subscribe stock.

§ 2. That the trustees of the said town of Murray are hereby authorized to subscribe stock to the Murray Male and Female Institute, in said common school district, in the manner and as prescribed in an act, entitled "An act for the benefit of the Murray Male and Female Institute," approved March 17th, 1870, in amounts not exceeding one thousand dollars per year for the period of ten years.

Act continued in force for 10 years.

§ 3. That the said act mentioned in the next preceding section be, and the same is hereby, continued in full force and effect for the period of ten years hereafter.

§ 4. This act to take effect from its passage.

Approved January 30, 1874.

CHAPTER 136.

AN ACT for the benefit of the jailer of Spencer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of twenty-eight dollars be, and the same is hereby, appropriated to pay for keeping a lunatic, hiring persons to help take care of him, and pay for stove, blankets, bedding, &c., while in jail. The Auditor is hereby directed to draw his warrant upon the Treasurer for said sum, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved January 30, 1874.

CHAPTER 137.

1874.

AN ACT for the benefit of Samuel K. Baird, assessor of Spencer county.

WHEREAS, Samuel K. Baird, assessor for the county of Spencer, in the discharge of his duties as such in the year 1873, failed to administer the oath as required by law to certain persons, because said persons were non-residents, and absent from the county, but made a correct list of all the taxable property of such persons; and whereas, said assessor failed to return a list of such persons, for which reason the Auditor adjudged that said assessor was not entitled to draw the amount awarded him by the order of the Spencer county court; now, in order to enable the Auditor to make payment to said assessor for his services for the year 1873, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasury in favor of Samuel K. Baird, for the sum of two hundred and seventy-seven dollars and eighty seven cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act take effect from and after its passage.

Approved January 30, 1874.

CHAPTER 138.

AN ACT to incorporate the Hopkinsville Plow Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ira F. Ellis, P. A. Cushman, M. D. Steele, H. G. Abernathy, John N. Mills, E. H. Hopper, James M. Clark, F. J. Brownell, E. A. Starling, J. O. Cushman, William B. Woolton, William D. Summers, George O. Thompson, James A. Campbell, and E. P. Campbell, of Christian county, their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, by the name and style of the Hopkinsville Plow Manufacturing Company; and by that name and style shall have perpetual succession; to contract and be contracted with; to own property, both real and personal; and to sue and be sued in all courts and places; and to have a common seal, alter and change the same at pleasure; and to engage in the manufacture and sale of plows and other agricultural implements, within or without this State; and shall have all other powers needful and necessary for the successful prosecution of the business of

Corporators' names and style of company, and powers conferred.

1874. the corporation hereby created, and for the exercise and execution of the powers herein granted and incident to or exercised by any similar corporation in this State.

May elect president and board of directors, and mode of so doing, and open books for stock, & pass by-laws.

§ 2. That said corporation herein named may organize said company by the election of a president and board of directors, not exceeding five in number, and also a secretary and treasurer, and such other officers as they may deem necessary, at such time and place as they may designate, by notice previously given; and when thus organized, the said company shall have power and authority to open subscription books to the capital stock of the said Hopkinsville Plow Manufacturing Company; and may proceed to business whenever the sum of thirty thousand dollars, in reliable subscriptions, shall be obtained to the stock of said corporation; and shall have authority to make all such by-laws, rules and regulations, as may be deemed necessary and proper, from time to time, for the government, control, and prosecution of the business of said corporation, not inconsistent with the Constitution and laws of the United States or of this State.

Officers to be elected annually, and their duties.

§ 3. That the president, board of directors, secretary, and treasurer of said corporation, shall be elected annually by the stockholders; and shall hold their offices for one year, and until their successors are elected, unless otherwise provided by the by-laws, rules or regulations of said corporation; and in the election of said officers above named, each stockholder in said corporation shall be allowed one vote for each share of stock subscribed for and owned as shown by the books of said corporation. The time for the election of said officers to be fixed for a certain day annually, and notice thereof shall be given to each stockholder; and at all meetings of the stockholders for the election of officers, as herein provided, or for other business purposes, absent stockholders may vote by proxy authorized in writing; and the business and affairs of said corporation shall be under the supervision and control of the president, board of directors, secretary, and treasurer when elected, and the books of said corporation shall be subject to the inspection of any officer or stockholder in said corporation, at any time, during business hours.

Capital stock \$500,000, into shares of \$100 each, and to be treated as personal property, & to issue and sell bonds.

§ 4. That the capital stock of said corporation shall not exceed the sum of five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be treated and held as personal property, and which shall not be assigned or transferred, except in person or by attorney, upon the books or stock-ledger of said corporation; and correct entries shall be kept in the books or stock-ledger of said corporation of all transfers of stock, giving the date of such transfer, by whom, and to whom

transferred; and such transfer shall not be made, and a new certificate issued, unless the former certificate of stock is surrendered at the time of such transfer, except upon satisfactory evidence, by written affidavit, which shall be kept and filed, showing that such former certificate has been lost or destroyed, and cannot be produced; and the said corporation shall have authority to issue and sell its bonds in any amount not exceeding the sum of one hundred thousand dollars, bearing interest at any rate not exceeding ten per cent. per annum, with interest coupons attached, and payable semi-annually, at such point or place as may be designated; and said bonds shall be payable in not exceeding twenty years from their date; and said corporation may mortgage and pledge all of its property, both real and personal, to secure the payment of said bonds, with the interest thereon.

§ 5. The said corporation shall have the right to lease real estate necessary for its purposes, and may erect and build, upon its own lands or lots, or upon leased lands or lots, all such buildings, mills, engines, founderies, machinery, and fixtures, and operate the same, as may be deemed convenient, proper, or necessary for establishing, conducting, and carrying on its business; and shall have full power and authority to obtain, by purchase, both real and personal property, and sell, transfer, or convey the same at pleasure; and shall have the right to obtain, by purchase, lease, or otherwise, from persons or corporations owning the same, the right to manufacture, use, and sell patented improvements and inventions for States, counties, districts, or townships, as now applied, or which may be hereafter patented and applied in the manufacture or improvement of agricultural implements, and sell or dispose of such patent rights to persons or corporations for States, counties, districts, or townships, or to individuals or corporations, upon such terms as may be deemed proper, or lease the right to manufacture, use, or sell the same upon royalty.

§ 6. It shall be lawful for said corporation to require and take, from any of its officers, agents, or employees, a bond, with security, stipulating for the faithful performance of all the duties of such officer, agent, or employee of said corporation, and to faithfully account for and to pay over said corporation all such sums and amounts of money as may come into his or their hands belonging to said corporation; and for a violation of any of the stipulations of said bond, action may be maintained thereon in any court having jurisdiction of the amount, and recovery had thereon.

1874.

Authorized to lease property & erect buildings & machinery for its business, and to purchase and sell both real and personal property therefor.

To take bond from its officers and agents, and to sue thereon for violation of its provisions.

1874.

Individual
property of stock-
holders not liable
for corporate
debts.

This act to be
signed & recorded.

§ 7. The individual and private property of stockholders in said corporation shall not be liable or subject for the payment of corporate debts.

§ 8. That this act shall be signed, acknowledged, and recorded as required in cases of articles of incorporation under section three of chapter 56 of the General Statutes.

§ 9. This act shall take effect from its passage.

Approved January 30, 1874.

CHAPTER 139.

AN ACT to amend an act, entitled "An act to incorporate the town of Dulaney," which became a law February 3d, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Dulaney, in Caldwell county," which became a law February 3d, 1873, be, and the same is, so amended that there be, and is hereby, added to said town the land embraced in the following boundary, viz: beginning at the northwest corner of said town, which is the beginning corner of the boundary thereof, as described in said act, and running thence north seventy-eight degrees and thirty minutes east, on a line parallel with the Elizabethtown and Paducah Railroad, to the point where this line will intersect an extension of the line forming the eastern boundary of said town; thence one degree west to the northeast corner of said town; thence south eighty-five degrees west with the northern boundary of said town to the beginning. And the said addition made to said town by provisions of this shall, for all purposes, be regarded as part of said town as if same had been embraced in original boundary thereof, as described in the act to which this is an amendment.

§ 2. This act shall be in force from its passage.

Approved January 31, 1874.

CHAPTER 140.

AN ACT to amend the charter of the town of Princeton, and to confer certain powers upon the board of trustees thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Princeton, in Caldwell county, shall have the power to establish and maintain a work-house in said town; and any per-

son convicted in the police court of said town of a violation of the by-laws or ordinances of same, may, instead of the penalties now prescribed, be adjudged to labor in said work-house, or upon the public streets or other public improvements in said town or vicinity, for such period as the court may adjudge, not exceeding thirty days. And upon failure of any person to pay any fine imposed upon him by said police court which, under the law, would, if paid, go into the treasury of said town, such person may, by order of said court, be required to labor in said work-house, or upon the public streets or other public improvements in said town or vicinity, for a period of one day for every one dollar and fifty cents of such fine. And said board of trustees may prescribe, as a penalty for the violation of any by-law or ordinance adopted by them, labor in said work-house, or upon the public streets or other public improvements in said town or vicinity. Said board of trustees shall have all the powers necessary and proper for the carrying out of this act, and may prescribe suitable penalties for escapes from aforesaid work-house or labor.

§ 2. This act shall be in force from and after its passage.

Approved January 31, 1874.

CHAPTER 141.

AN ACT for the benefit of C. S. Mergell, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of seventy-five dollars be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to C. S. Mergell, for his architectural designs and estimates of the cost of building a block of four warehouses for the use of the Penitentiary, made in 1871; and the Auditor is authorized and directed to draw his warrant for said sum on the Treasurer in favor of said Mergell, in full for that service.

\$75 appropriated.

§ 2. This act to take effect from its passage.

Approved January 30, 1874.

CHAPTER 142.

AN ACT to amend the charter of the city of Augusta, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the city of Augusta, in Bracken county," approved

1874. February the 8th, 1872, be, and the same is hereby, repealed.

Council not to
operate in any
enterprise out of
city limits.

§ 2. That the council of said city shall not have power to take stock in any corporation or enterprise outside the limits of said city, or to make an appropriation of money to be used for any purpose outside of said city, or to contract a debt for any other purpose than that which relates to the government of said city.

§ 3. *Be it further enacted.* That an act to amend the charter of the city of Augusta, approved March the 8th, 1871, be, and the same is hereby, repealed.

§ 4. This act shall take effect from its passage.

Approved January 30, 1874.

CHAPTER 143.

AN ACT to amend an act, entitled "An act to incorporate the Vanceburg, Dry Run, and Kinniconick Creek Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to incorporate the Vanceburg, Dry Run, and Kinniconick Creek Turnpike Road Company," approved February 18th, 1869, acts 1869, volume 1, page 377, be, and the same is, amended by striking out three thousand dollars, and inserting two thousand dollars.

When county
court may take
stock.

§ 2 That section five be amended as follows: Whenever the resources of said company are such that, with the aid of the county subscription (\$1,000), one thousand dollars per mile, said company will be enabled to build the road six miles, or its entire length, if less than six miles, and when said road shall have been actually laid out and located by a competent engineer, and the right of way therefor obtained, and proof of these facts satisfactorily made to the county court of Lewis county, said court shall be authorized to make the subscription directed in said section five.

Change in tax to
be levied.

§ 3. That in lieu of the tax provided for in section (6) six, a tax of five (5) cents per acre on all lands lying within the boundary therein set forth shall be levied and collected, in the same manner as other turnpike taxes are levied and collected in Lewis county.

Width: and grade
of road.

§ 4. That section (8) eight be repealed, and in place thereof it is enacted that said road shall be graded twenty-two feet wide, and covered with stone ten inches deep, and not less than sixteen feet wide, or gravel may be used in part as covering in the proportion three inches gravel to two inches of stone.

§ 5. In constructing said turnpike, the company may locate upon and use the county road, whenever practicable, making reasonable provisions for the public travel during its construction. 1874.

May locate road on county road.

§ 6. The commissioners appointed to open books for the subscription of stock are hereby authorized to receive subscriptions to the capital stock of said company in lieu of taxes, and the persons so subscribing and paying their stock shall not be compelled to pay the special tax levied by section (3) three, until the entire amount of the taxes assessed against them shall equal the amount which they may have subscribed and paid in to the stock of said company; their subscription shall be considered and treated as taxes paid in advance; all the tax-payers being stockholders to the amount of the taxes they pay to assist in building the road.

Commissioners may receive subscriptions of stock in lieu of tax.

§ 7. Whenever the company shall have completed the grading of said road, and have constructed such culverts and bridges as are required, they may erect a toll-gate at any point on said road, and take and receive half tolls from persons traveling the same.

When toll-gate may be erected.

§ 8. The said company shall be entitled to receive and collect, from all persons traveling said road, the same rate of tolls as may be charged and taken by the Vanceburg, Salt Lick, Tollesboro, and Maysville Turnpike Company when their said road is open for travel and gate erected.

Rate of toll.

§ 9. Whenever the company, at a meeting of the stockholders, shall so elect, they may purchase the stock of the county at par, and the money arising from the proceeds thereof shall be appropriated and taken and used in the building of branch roads up and down Kinniconick creek, and the county shall become a stockholder in such branch road or roads to the amount of the stock aforesaid. Said branch roads may be macadamized or graded as the company may decide. If macadamized, the same tolls shall be taken as on the main road; if not macadamized, only half tolls shall be taken.

Company may buy county stock and build branches with proceeds.

§ 10. The tax authorized to be levied by this act shall not be levied or collected on any property assessed for tax to assist in the building of any other turnpike road.

What property exempt from tax.

§ 11. This act shall take effect from and after its passage.

Approved January 30, 1874.

1874.

CHAPTER 144.

AN ACT amending the charter of the city of Paducah, making a husband responsible for taxes due on his wife's property where he collects her rents or uses her property.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That sections 155, 156, 157, 158, and 159, of the charter of the city of Paducah, Kentucky, approved 11th February, 1871, be amended as follows: that the husband whose wife owns a lot or lots in the city of Paducah, Kentucky, shall, to the amount and value of the rent or use of said lot or lots, if the rents are collected by him, or the lot or lots are used or occupied or controlled by him, be bound to pay the taxes on such lot or lots; and so much of his personal property as may be necessary to pay the same may be levied on and sold by the collector of said tax in the same manner as if the said lot or lots were listed in the name of such husband or owned by him. And in like manner may the taxes be collected from the father of a child, a guardian, agent, trust committee, or receiver, or other person who may use, enjoy, or collect rents from the property situated in said city, of the child, the ward, principal, *cestui que trust*, or person of unsound mind.

§ 2. This act to take effect from its passage.

Approved January 30, 1874.

CHAPTER 145.

AN ACT to amend the charter of the town of Augusta, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Who to be eligible
as mayor.

§ 1. That section second of an act, entitled "An act to incorporate the city of Augusta," approved February 28, 1850, be amended as follows, to-wit: "Any person being a citizen of this State, a legal qualified voter, and who has resided within the corporate limits of the said city for six months next preceding an annual election, may be eligible to the office of mayor; and all portions of said act that is in conflict with this amendment is hereby repealed."

May repair city
buildings for jail,
police station, &c.

§ 2. That the mayor and board of council of the city of Augusta shall have power, upon land now provided and belonging to said city, within the limits of said city, to repair the buildings thereon for a police station-house, work-house, and city jail, in which shall be held and confined all persons arrested for a violation of any ordinances of said city, or for a violation of any of the criminal or pe-

nal laws of the State of Kentucky, when said offenses were committed within the city limits, until his or her case is finally tried before a court of competent jurisdiction, unless such party, so arrested, shall give bail before said court for his or her appearance and trial in said court, in a sum to be fixed by the court. That when any person is tried and fined for any violation of an ordinance of said city, or for a violation of any of the penal laws of the State of Kentucky, committed within the corporate limits of said city, when the fine does not exceed one hundred dollars, or imprisonment in the county jail not exceeding fifty days, either or both, and they fail to pay or replevy such fine, or when tried shall be sentenced to imprisonment alone, such persons, instead of being sent to the jail of the county, shall be confined in the city jail.

1874.

Who to be confined in said city jail.

§ 3. That it shall be the duty of the court to make an entry upon its records, directing the parties so fined to be delivered to the marshal of said city, who shall require them to work upon the streets, alleys, or public works of said city, under the direction of the ordinance of the city council, for the same number of days such person would have been confined in jail, and no longer; and the term said person shall be required to work, to satisfy the moneyed part of the fine, shall be at the rate of one day for each dollar of said fine and cost; and if he or they so work, their said fine and cost shall be discharged; if such person shall refuse to work, then it shall be the duty of the marshal to commit him or them to the jail of the city, until discharged by due course of law. Persons so convicted and sentenced as aforesaid, when not at work, shall be confined in the city jail.

Court to direct parties so to be confined to be delivered to city marshal, who shall require them to work out fines.

§ 4. That the board of council of said city shall have power to appoint a keeper of said police station, work-house, and city jail, and fix his fees, and prescribe his duties, and shall, by ordinance, direct where and what kind of work shall be performed by those committed to said jail; and shall, out of the moneys of said city, pay the officers' fees, provided the party works as above stated.

Persons so confined refusing to work to be kept in jail.

§ 5. That this act shall be in force from its passage.

Approved January 30, 1874.

Board to appoint keeper of jail, &c., fix his fees and duties.

CHAPTER 146.

AN ACT for the benefit of Hardin county.

WHEREAS, The county court of Hardin county have just completed a new court-house, made fire-proof, at a considerable cost to said county, rendering it unnecessary to

1874. comply with the statute requiring county courts to cause fire-proof vaults to be made for the preservation of public records in the counties; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Hardin county be exempted from the provisions of the statute requiring the erection of fire-proof vaults or safes for the preservation of public records.

§ 2. This act to take effect from its passage.

Approved January 30, 1874.

CHAPTER 147.

AN ACT to repeal an act, entitled "An act to amend the charter of the town of Marion, in Crittenden county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the town of Marion, in Crittenden county," approved March 29th, 1873, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved January 30, 1874.

CHAPTER 148.

AN ACT for the benefit of John E. Brooks, late sheriff of Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John E. Brooks, late sheriff of Greenup county for the years 1869 and 1870, shall have the further time of two years, from and after the passage of this act, within which to list and collect all of his unpaid fee bills, and those of his deputies, and all arrearages and unpaid taxes in and for said years: *Provided*, Said sheriff shall be liable, as now provided by law, for all unlawful fee bills and all illegal distress or action in collection thereof.

§ 2. This act shall be in force from its passage.

Approved January 30, 1874.

Allowed further time to collect fee bills.

CHAPTER 149.

1874.

AN ACT to amend the charter of the town of Stanford.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Stanford, in the county of Lincoln, be, and they are hereby, authorized and empowered, in their discretion, to allow the marshal of said town a reasonable salary, not exceeding twenty-five dollars per month.

Trustees may allow marshal a salary.

§ 2. The trustees of said town are also hereby authorized and empowered to appoint and employ special policemen when, in their discretion, the public peace and quietness of said town demand it; and said policemen may do all such ministerial acts as are required by law of other peace officers; and pay said policemen a reasonable compensation.

Trustees may employ special police.

§ 3. This act shall be in force from and after its passage.

Approved January 30, 1874.

CHAPTER 151.

AN ACT for the benefit of E. D. Kennedy, clerk of the Garrard circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. D. Kennedy, clerk of the Garrard circuit court, shall have the further time of two years within which to issue, collect, and distrain, as now provided for by law, for such fees as may be due him for services as such: *Provided, however,* That said clerk shall be liable and responsible for issuing or collecting illegal fee bills under this act, as provided for by law for such offense under the general laws.

Allowed further time to collect fee bills, &c.

§ 2. This act shall take effect from its passage.

Approved January 30, 1874.

CHAPTER 152.

AN ACT to supply the county clerk's office with public books in Rockcastle county.

WHEREAS, On the night of the 15th day of August, 1873, the county court clerk's office at Mt. Vernon, in Rockcastle county, was destroyed by fire, together with all the Statutes of Kentucky and Codes of Practice, Reports of Decisions of the Court of Appeals and Digests

1874. of the same, which had been furnished by the State for Rockcastle county court; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Secretary of State to furnish certain books to clerk's office.

§ 1. That it shall be the duty of the Secretary of State to buy and furnish, for the use of the county court of Rockcastle county, the first and second volumes of the Revised Statutes, one copy of the General Statutes of Kentucky, one copy of Myers' Supplement, one copy of the Code of Practice, Cofer's Digest, Monroe & Harlan's Digest, a full set of the Decisions of the Court of Appeals, and all the Digests of the same. For the cost of said books, and the transportation of the same, the Secretary shall make out an account and exhibit the same to the Auditor of Public Accounts, and he shall draw his warrant on the Treasurer of the State for the same, who shall pay it.

Auditor to draw warrant to pay for same.

§ 2. This act shall take effect and be in force from its passage.

Approved January 30, 1874.

CHAPTER 153.

AN ACT to legalize the official acts of the assessor and surveyor of Livingston county as deputies to the county clerk, and to authorize them to act as deputies for the Livingston county clerk.

WHEREAS, E. J. Ross, assessor, and A. D. Vick, surveyor of Livingston county, have each been acting as deputy for John L. Vick, clerk of the Livingston county court; and the citizens of said county desiring that they each be authorized still to act in the capacity respectively of assessor and surveyor and deputy clerk of the county court; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Acts as deputy clerks legalized.

§ 1. That all acts heretofore performed by E. J. Ross, assessor, and A. D. Vick, surveyor, in the capacity of deputy clerk for John L. Vick, clerk of the Livingston county court, be, and the same are hereby, declared to be legal and binding as if done by the clerk.

Allowed to still act as deputy clerks.

§ 2. That said E. J. Ross, assessor, and A. D. Vick, surveyor of Livingston county, each be, and they are hereby, authorized and permitted to discharge the duties of assessor and surveyor respectively, and that of deputy clerk of the Livingston county court, during the continuance of the present or any future term of their said offices of assessor and surveyor.

§ 3. That this act take effect from its passage.

Approved January 31, 1874.

CHAPTER 154.

1874.

AN ACT to incorporate the Collins district school, in Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the territory embraced within the following limits, to-wit: beginning on Green river, at the corner of Robert Gibson's and J. H. Tillson's lands; thence with said Tillson's line, with said Gibson's and Wm. S. Gibson's heirs line, to the line of Hazelwood and Harpole, and G. W. Rowland and Hazelwood, to the Koblick road; thence with said road to its intersection with the Henderson and Owensboro road; thence with the line of B. S. Hicks and J. B. Smith to J. A. Priest's land; thence with the line of said Priest and J. B. Smith, and J. H. Willingham and Robert E. Willingham, to the north corner of Robert E. Willingham's home tract; thence a direct line to the corner of the lands of S. S. Mills and Arelia Priest, on the bank of Green river; thence up Green river to the beginning, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of trustees, consisting of J. B. Collins, A. S. Chaney, and J. H. Newman, who shall hold their offices until their successors are elected and qualified as hereinafter provided.

Boundary of district.

District incorporated.

§ 2. Said trustees shall constitute and be styled the Board of Trustees of the Collins Public School; and by that name shall be known as a body-politic and incorporated; and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate; and the title to all school property in said district shall vest in said board and their successors forever.

Name and style, and corporate powers.

§ 3. The said trustees, before entering upon their duties, shall take an oath faithfully to perform their duties; and shall, within one month after the incorporation of this, the said school district, meet and organize; the president of said board shall be one of their own number, selected by themselves, at their first regular meeting.

Trustees to take oath.

§ 4. Said board shall appoint one suitable person to act as secretary, and another to act as treasurer, each of whom shall hold their offices for one year, and until their successor are appointed and qualified, and shall perform such duties generally as pertains to their respective positions of secretary and treasurer, and all such duties as may be prescribed by the board.

Board to appoint secretary and treasurer, and fix their duties.

§ 5. The said board of trustees shall, as soon as practicable after the passage of this act by the Legislature, call an election, submitting this proposition to the legal white voters of said district; and also, at the same time, three

Act to be submitted to people.

1874.

trustees of said school, all of whom must be bona fide residents of said district, shall be elected, who, when qualified, shall succeed the trustees herein named; said trustees shall hold their office for the term of one year, and until their successors are qualified; said trustees shall reside in said school district; and if any trustee shall remove from said district, after his appointment or election, his office shall be vacated, and an appointment made to fill such vacancy.

Term of office of trustees.

Trustees to have management of affairs.

§ 6. The control and management of said public school, and the property and funds belonging thereto, and which may accrue in any way to them for their establishment, management, or maintenance under this act or otherwise, shall be vested in said board of trustees and their successors in office.

May make by-laws, &c.

§ 7. Said board of trustees shall have power to fill all vacancies in its own body, make all by-laws for the government of themselves and appointees, and for the dispatch of business, and for the management and control and government of the school; to enforce such by-laws and rules by suitable fines and penalties, to be recovered by any court having jurisdiction of the amount.

Quorum.

§ 8. A majority of said board shall constitute a quorum for the transaction of business; they shall meet at least once in three months, and fix the time of their meeting, and may meet as often as to them may seem necessary for the transaction of business.

Board to keep record.

§ 9. Said board shall cause to be kept a regular and correct journal of their proceedings, which shall at all times be open to the inspection of any members of said board, or to any committee appointed by said district in a regular manner for said purpose, but to no other person, except by order of the board, or at the option of the officer in whose charge such books may be kept.

Board to appoint teachers, fix salaries, prescribe duties, &c.

§ 10. The board of trustees shall appoint all teachers and other persons necessary to successfully carry on said school, and prescribe all rules for their government, and fix their compensation or salaries, and may dismiss or suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the school; grade the schools and classes, and prescribe the necessary qualifications and mode of examination of pupils or persons applying for admission to the school.

Qualifications of scholars.

§ 11. All white children over six years of age within said district shall have equal rights to admission to said school, and no fees or tuition shall ever be charged.

No religious tenets to be taught

§ 12. No catechism, or other form of religious belief, shall be taught or inculcated, nor shall any class-books be used or adopted for said school which reflects upon any religious denomination, nor shall any class or classes be

so conducted as to interfere with the religious belief of 1874.
parents or pupils.

§ 13. The secretary shall attend all meetings of the board, keep their records and papers, and perform such other duties as may be required or prescribed by said board of trustees, and shall receive such salary as may be fixed by the board, and paid at such times as they may direct.

Duties and salary
of secretary.

§ 14. The treasurer, before entering upon his duties, shall execute bond to the trustees of the board, with good and ample security, to be approved by the said board of trustees, conditioned for the faithful performance of all his duties. He is at no time to pay out or disburse the money of said school fund, except upon an order directed to him officially and signed by the president of the board of trustees and indorsed by the secretary; and for such services he shall receive such salary as may be fixed by the board, and paid at such times as they may direct.

Duties and bond
of treasurer.

§ 15. The board of trustees shall, at the end of each scholastic year, make out and report to the patrons of said school a written or printed statement, in circular form, showing the number of pupils in said school, and the condition and amount of property and funds belonging thereto, and such other information as may be desired.

Board to make
annual report.

§ 16. The board of trustees shall furnish school buildings in the way and manner now provided for by the general common school law.

How school
building to be
furnished.

§ 17. The board of trustees shall cause an annual tax to be levied and collected by an assessor and collector, to be appointed by said board of trustees, upon the same property in said school district as is taxed by the State for common school purposes; and the assessment to be made at such time as may by said trustees be directed, to an amount of fifty cents upon one hundred dollars, except upon the personalty of persons outside of the afore-said boundary: *Provided always, however,* That only the property belonging to white persons shall be taxed. The assessor appointed by them shall make the assessments necessary for the fixing and collection under such provisions and rules as may be prescribed by said board of trustees. Said taxes, and the expense of collecting the same, shall be collected by the person appointed for that purpose, at the discretion of said board of trustees, by levy, distress, or sale, in the same manner as the county and State revenue is now collected; and the officer so collecting said tax shall, with his securities, be responsible upon his bond, which shall have been previously filed with and approved by said board of trustees, for

Annual tax to be
levied.

How and by
whom collected.

1874.

the faithful performance of his duties, with such penalties as are now prescribed by law for delinquencies.

Penalty for collector failing to collect taxes.

§ 18. The funds arising from the collection of such taxes shall be paid into the hands of the treasurer of the board of trustees by the collector, and his receipt taken for the same, by the first of January in each year, or said collector shall be a delinquent, and liable to the same penalties as sheriffs or collectors for failing to collect or pay over State revenue, and shall be proceeded against in the same manner, except the proceedings shall be in the name of the board of trustees, and in the Henderson circuit court. The execution on any such judgment in the said court shall be directed to the sheriff of Henderson county, or to any officer the court may direct; and sheriff or officer shall collect and account for the same, and be responsible upon his bond, as in other cases of execution placed in his hands.

Funds to be under control of trustees, and for what used.

§ 19. The funds arising from said taxes, and all other money in the school treasury, shall be under the control and management of said board of trustees, and shall be used for the sole purpose of said public school and purchase of property.

School commissioner to pay common school fund to board.

§ 20. The commissioner or commissioners for common schools shall annually make an estimate of the share or proportion of the State common school fund, which would be coming or due to the school district of Collins as herein described, and shall annually pay over to the board of trustees herein created the full amount of such proportion or share, which shall be held and used by them for the payment of teachers in said schools.

Forfeited lands in said district to be used for school purposes.

§ 21. All lands within the boundary of said school district which shall escheat, or in any way be forfeited to the Commonwealth, shall vest in the said board of trustees, to be used, held, and controlled by them as other property and funds.

May condemn lands for school purposes by writ of *ad quod damnum*.

§ 22. The board of trustees shall have the right to condemn any private property for school purposes, whenever, in their opinion, it shall be necessary, by first paying therefor in money its fair cash value, if such value can be fixed by agreement; if such value cannot be agreed, then, upon application of the board of trustees, the county court of Henderson county shall issue a writ of *ad quod damnum*, directed to the sheriff, to be executed and returned to said court as in cases of opening roads; and upon return of said writ, duly executed, the said court shall adjudge the payment of said damage; and upon payment thereof the court shall issue a writ requiring the sheriff to put the said board in possession of said one acre of land, and thereupon the title of said land shall vest in said board of trustees: *Provided*, They shall not have the right to

condemn any land within forty rods of the residence of the owner. 1874.

§ 23. The board of trustees shall, in the month of March or April of each year, make a report or estimate, in writing, to the citizens of said school district, showing the probable amount of money necessary to properly conduct said public school for the next scholastic year, which amount shall be levied and collected by taxation as hereinbefore directed.

Board to make report.

§ 24. The board of trustees may admit into said school white children, who are non-residents of the school district of Collins, upon such conditions, and upon payment of such charges, as to the said board may seem right.

Terms upon which may admit non-resident children in school.

§ 25. This act shall take effect and be in force so soon as the same shall be ratified by a majority of all votes cast of the qualified voters of said school district, at any election held for the purpose of taking the sense of the voters upon the subject of such ratification. The board of trustees shall cause this act to be published, and due notice given of any election to be held for such purpose.

Act to be submitted to people.

Approved January 31, 1874.

CHAPTER 155.

AN ACT to repeal an act, entitled "An act to amend chapter eighty-four (84) of the Revised Statutes, title 'Roads and Passways,'" approved February 20, 1869, so far as the same applies to Boyd, Carter, Pike, Lawrence, and other counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend chapter eighty-four (84) of the Revised Statutes, title 'Roads and Passways,'" approved February 20, 1869, so far as the same is by law now made to apply to the counties of Boyd, Carter, Lawrence, Pike, and Johnson, be, and the same is hereby, repealed.

§ 2. This act shall take effect from and after its passage.

Approved January 31, 1874.

CHAPTER 157.

AN ACT to amend the sixth section of chapter sixty-six of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That attachments issued under this chapter in the county of Ballard, for a sum exceeding fifty dollars and

Attachments exceeding \$50 to be returned to circuit or common pleas court.

1874. not exceeding one hundred, exclusive of interest and cost, shall be returned before the circuit or common pleas court of Ballard county.

§ 2. The provisions of this act shall apply exclusively to the county of Ballard.

§ 3. This act to take effect from and after its passage.

Approved January 31, 1874.

CHAPTER 158.

AN ACT to authorize the county courts of Lawrence and Jackson counties to fix and establish the width of public roads in said counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

May open and fix
width of roads.

§ 1. That it shall be lawful for the Lawrence county court to open and establish county roads in said county, not more than fifteen nor less than nine feet in width; but before any such road is established, of a less width than twelve feet, the said court must be satisfied, from evidence, that said road will be adequate to accommodate the traveling public.

May alter width
of established
roads.

§ 2. It shall be lawful for the county court of Lawrence to alter the width of any public road now established in said county, when, in the judgment of said court, it is expedient to do so: *Provided, however,* That the width of any such road shall not be changed to a greater number than fifteen nor less than nine feet.

§ 3. The provisions of this act shall also apply to the county of Jackson

§ 4. This act shall take effect from its passage.

Approved January 31, 1874.

CHAPTER 159.

AN ACT for the benefit of the County Infirmary of Mason county, for the support of the poor of said county, and work-house and house of correction therewith.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name changed.

§ 1. That the name of the poor-house of Mason county is hereby changed to the County Infirmary of said county, and same shall hereafter be known and designated as the Infirmary of Mason County for the benefit of the poor of Mason county.

Action of county
court confirmed.

§ 2. The county court of claims of Mason county having determined, at their May court, 1873, to sell the old poor-house property of said county and purchase a more

accessible, desirable, and comfortable home for the poor of said county, and in pursuance of said object having purchased what is known as the Robinson farm, just above the city of Maysville, the county seat of said county, upon the Ohio river, and containing one hundred and thirty acres, at the price of fifteen thousand dollars, upon which they propose to erect a county infirmary and workhouse and house of correction in connection therewith, for the benefit of the poor of said county and the correction of offenders against law and morality therein, the action of said court in the premises is hereby ratified, confirmed, and authorized. And said court of claims is hereby empowered and authorized, at the May court of claims of said county, 1874, a majority of the magistrates of said court agreeing thereto, or at such succeeding terms of said court as they may deem best for the interests of said county, to levy a tax upon the taxable property of said county authorized by law to be taxed for county and State purposes, sufficient to pay for said farm, in such installments as they may deem best, and for all necessary improvements to be made and put thereon for the purpose of carrying into effect the objects and interests of this act: *Provided*, That the proceeds of the sale of said old poor-house property shall be applied by said court in the purchase of said farm.

1874.

County court to levy tax to pay for said farm, &c.

§ 3. The taxes provided for in section two of this act shall be collected by the sheriff of Mason county as the ordinary county levy is collected, and under the same legal obligations and for the same pay, and he shall be responsible for the collection and payment of same, according to law, on his county levy bond, except said taxes shall be collected and paid over to the county treasurer of said county on or before the first day of September in each year.

Sheriff to collect said taxes — his compensation.

§ 4. For the purposes of this act, as far as the said county infirmary is concerned, and the poor of said county, any person or persons, other than those hereinafter provided, who shall reside one year in the county of Mason, shall be considered as having gained a legal settlement in said county, and not otherwise; and as long as the city of Maysville in said county shall continue to provide for her own poor, under the general law of the State of Kentucky, she shall not be considered part of the county of Mason for the purposes of this act, or so much thereof as appertains to the poor; and a citizen of Maysville shall only gain a legal settlement in the county outside of said city, in the same manner, and for the same length of time, that a citizen from a foreign county in said State or another State shall gain a legal settlement in said county of Mason. Every indented

1874. servant or apprentice legally brought into the county of Mason shall obtain a legal settlement in said county, when such servant or apprentice shall serve his or her master or mistress one year in said county; and every married woman, during coverture or after her husband's death, shall be considered legally settled in said county, if he was legally settled therein, but if he was not legally settled therein, she shall be considered as settled in the place where she was last legally settled, or had resided for one year before her marriage: *Provided*, Nothing in this act shall be so construed as to release said county of Mason from its legal obligations to support any person or persons removing from said county until such person or persons shall have gained a legal settlement, in the meaning of this act, in the county to which such person or persons shall have removed, or to the said city of Maysville: *Provided further*, That residence while a pauper, and while any persons are a public charge, shall not gain for any such person or persons a legal settlement in said county for the purposes of this act, as far as said infirmary is concerned.

Persons illegally obtaining settlement not be admitted to poor-house.

§ 5. In case any person or persons shall remove into said county of Mason for the purpose of becoming a public charge thereon, or who are likely to become a public charge on said county for his or her maintenance, it shall be lawful for the county judge of said county, or any justice thereof, or any member of the board of directors hereinafter named, to give such person or persons notice that they cannot become a charge upon said county, and to remove therefrom; and in case of their failure to so remove upon such notice, they, or either of them, so notified, shall not thereafter gain a legal settlement in said county.

In certain cases non-residents may be received.

§ 6. The county court of Mason, or the judge thereof, shall afford relief or support to any person or persons in said county, not having a legal settlement therein, when such relief or support is needed: *Provided*, That when said county court, or the judge thereof, shall be called upon to afford relief from the county treasury to any person or persons who have no legal settlement in said county, or whose place of residence is unknown, it shall be the duty of the county court, or the judge thereof, to make an order to the directors of said infirmary, or the superintendent thereof, hereinafter named, to receive and provide for such person or persons at said infirmary as long as said county court or said judge, in vacation, shall direct: *Provided*, If in any such case it should be found inexpedient or impracticable to remove any such person or persons to said county infirmary, then said directors shall keep an accurate account of all moneys expended by them in the sup-

port of all such persons, and certify such account, with the vouchers for same, to the court of claims of said county, who shall cause the amount so expended to be paid out of the county levy of said county; and in such case said directors shall not be required to move such persons to said county infirmary: *Provided*, Said directors may remove any person or persons becoming a charge upon said county, and who have no legal settlement therein, to that county or State, or to the city of Maysville, wherever such person or persons have a legal settlement, unless such person or persons shall give sufficient security to fully indemnify said county on account of said charge, and all of its incidental expenses. 1874.

§ 7. Upon complaint being made to the county court of said county, or the judge thereof in vacation, that any inhabitant of said county, having a legal settlement therein, is in a suffering condition, and requires public assistance or support, said court, or the judge thereof in vacation, shall inquire into the condition and necessities of such person, and if satisfied that such person ought to be relieved at public expense, shall order the directors of said infirmary, or the superintendent thereof, to receive and provide for such person, and shall accompany said order, attested by the clerk of the county court, or by said judge if done in vacation, by a statement of facts, setting forth the name, age, birth-place, length of residence, previous habits, and present condition of the person claiming to be a pauper, together with the time or times at which such person or persons, if not legally settled in said county, have been warned to depart therefrom; and if neglected to be warned or removed, the reason or cause of such neglect; and no person shall be admitted as a pauper unless upon such order or warrant; but if the directors of said institution, or the superintendent thereof, shall have knowledge of facts not before said court or judge, and which, if known, such person or persons would not have been declared paupers, then such person shall not be received or provided for until such facts are reported to such court or judge, and acted upon by them or either of them.

Upon proper representation & investigation, paupers to be received on order of county judge.

§ 8. In all cases where it is not inexpedient or impracticable to do so, any person in Mason county, in a suffering condition, or who requires public assistance or support, shall be removed to said county infirmary; but in cases where the county court, or the judge thereof, shall deem it impracticable or inexpedient to remove such person or persons to said infirmary, said court, or judge in vacation, may grant relief to same, to be paid

In certain cases relief may be afforded without sending parties to infirmary.

1874. out of the county levy, or any unappropriated money in the county treasury.

Court to levy tax to carry on infirmary.

§ 9. In so far as said county infirmary and work-house and house of correction, hereinafter described, shall fall short of being self-sustaining, and to provide for the wants of all the poor of Mason county, to meet said deficiency and the necessary expenses of maintaining said infirmary, the county court of claims of said county shall levy a tax sufficient upon the taxable property of said county as part of the annual county levy thereof.

Work-house and house of correction established.

§ 10. There is hereby also established, in connection with said county infirmary, and upon said county farm, and under the superintendence and control of the board of directors and superintendent hereinafter named, of said infirmary, a work-house and house of correction, for the punishment and reformation of offenders against law, order, and public morality in Mason county and the city of Maysville; but same shall, as far as practicable, be separate from and distinct from said infirmary and house for the poor, and subject to different rules and regulations; and it shall be lawful for the board of directors of said infirmary, in their discretion, to receive into said county work-house and house of correction, and under the care and guardianship of the directors of said infirmary, and the superintendent thereof, persons ordered to said work-house and house of correction by the proper authorities, and belonging to some one of the following classes, viz :

Who may be confined in work-house.

1st. Where an infant under sixteen years of age, by reason of incorrigible or vicious conduct, has rendered his or her control beyond the power of the parent, guardian, or next friend of such infant, and has made it manifestly requisite that, from regard to the future welfare of such infant and for the protection of society, that he or she should be placed under the guardianship and control of said directors, upon complaint and due proof thereof before the county judge or court of said county of Mason, said infant may be ordered to the work-house and house of correction of said county.

2d. Where an infant under the age of sixteen years is guilty of vagrancy or of incorrigible or vicious conduct, and from the moral depravity or otherwise of the parent, guardian, or next friend, in whose custody said infant may be, such parent, guardian, or next friend is incapable or unwilling to exercise the proper care and discipline over such incorrigible or vicious infant, in such case, upon complaint and due proof before to county court or judge of said county, such infant may be ordered to said work-house and house of correction.

3d. Where an infant under the age of sixteen years is destitute of a suitable home and of adequate means of

obtaining an honest living, and who is in danger of being brought up to lead an idle and immoral life, such infant, upon complaint and due proof before the county court or judge of said county, may be ordered to said work-house and house of correction: *Provided*, That in either of the three above specified cases, when the county court or judge shall order such infant to said work-house and house of correction, he or she shall not be ordered there for a less period than one year nor for a greater period than until such infant shall obtain majority, which, in case of males, shall be twenty-one, and in case of females, shall be eighteen years of age. 1874.

4th. Any infant in said county under the age of sixteen years, who shall, under existing laws or those hereinafter exacted, be liable to confinement in the county jail or State Penitentiary, or to be fined for a penal offense by any of the courts of Mason county or the city or police court of the city of Maysville, may, at the discretion of any such court or magistrate giving sentence, be placed in said work-house and house of correction at hard labor, under the exclusive control and guardianship of said directors, until twenty-one years of age if male, and eighteen years of age if female, or for a not less period than one year.

5th. All infants in Mason county, under the age of sixteen years, who may be accused and found guilty, before a grand or petit jury, of any offense punishable with imprisonment in the county jail or State penitentiary, or by fine and imprisonment, or either, may, upon the recommendation of such jury, or in the discretion of the court or magistrate rendering sentence, be ordered to said work-house and house of correction; and the court may order at what kind of labor said infant shall be confined, and the manner thereof, for a period not less than one year, nor greater than the majority of such infant, if male twenty-one, and if female eighteen years of age.

6th. If any person in Mason county is found guilty of larceny of goods and chattels of the value of less than four dollars, the court or judge rendering sentence may order such person to the work-house and house of correction, there to be kept at hard labor, in case of male not less than one month nor more than twelve months, and in case of female not less than thirty days nor more than ninety days.

7th. All persons who, for offenses committed against the laws of this State, are punishable no greater period than one year by confinement in the county jail, or by fine not greater than one hundred dollars, or both fine and imprisonment in county jail no greater or longer than above, and said fine is not paid or replevied after

1874.

finding of guilt, may, by the court rendering sentence, when found guilty, be ordered to the work-house and house of correction for a period not less than one month nor more than one year, there to be kept at hard labor; but in either case same shall be entirely in the discretion of said court or magistrate, whether such person shall be ordered to said work-house and house of correction.

8th. All persons in Mason county guilty of the crime of vagrancy under the general laws of this State, instead of being sold or apprenticed as required by law, if found guilty, may, by the court rendering sentence, if found guilty, in its discretion, be ordered to said work-house and house of correction, to be kept at hard labor until majority, as hereinbefore stated, in case of an infant, and in case of an adult for a period of twelve months: *Provided*, If said adult have a wife and infant children, the reasonable value of his services in said work-house shall be monthly paid over by the directors or superintendent thereof to said wife and children, and for their benefit.

9th. All females in Mason county guilty of open lewdness, public immorality, and prostitution, may, upon complaint and due proof, before the county court or judge, be ordered to said work-house and house of correction, there to be confined at such labor as said court or judge may direct, and for a period not less than one month nor more than one year. Such complaint and proof may be heard in term time or before said judge in vacation.

Superintendent
to be liable for
custody and care
of persons con-
fined in said
work-house.

§ 11. Whenever such offenders against law and public morality, as have been hereinbefore designated, shall be ordered to said work-house and house of correction by any court or other proper authority of said county of Mason, in all such cases the superintendent of said institution shall be liable for the custody and safe-keeping of such offenders in said institution until the period of their several punishments shall have expired, in the same manner, and to the same extent, that jailers of this Commonwealth are held liable as such custodians under the general laws of the State of Kentucky; and it shall be lawful for said superintendent, by the authority of said directors, to use and employ the same means, if necessary, that jailers are authorized by law to use and employ for the same custody and keeping of such offenders.

County court to
appoint directors
of said infirmary,
&c.

§ 12. At the court of claims of said county of Mason, A. D. 1874, and annually thereafter, said court shall appoint three (3) judicious persons of their own number, who shall form a board of directors, and shall take charge of and manage the affairs of said county infirmary and work-house of correction in connection therewith, according to the provisions of this act and according to such rules and regulations as they may adopt and the Mason

county court of claims may order, not contrary to law. And the said directors so appointed shall, previously to their entering on the duties of their appointment, take an oath or affirmation before the county judge or clerk faithfully to discharge the duties of their office, and shall continue in office one year, and until their successors are appointed and qualified. Said board of directors may appoint a clerk of their own body, whose duties shall be defined by the board. And if a vacancy shall occur in the board of directors, the county judge shall appoint some suitable person or persons to fill such vacancy until the next succeeding annual meeting of the court of claims of said county.

1874.

Directors to take oath faithfully to discharge duties.

Powers of directors.

§ 13. A majority of said board shall constitute a quorum to do all business; and said board shall be a body-corporate and politic, with perpetual succession, and shall be known by the name of the Board of Directors of the County Infirmary of Mason County, and by that name they may sue and be sued, defend and be defended, in any court within this State; they may make all such contracts and purchases as may be necessary for the institution, and they may prescribe such rules for the management of and good government of said institution, both infirmary and work house, as may also the Mason county court of claims, and for introducing the practice of sobriety, morality, and industry among its inhabitants; but any such rules and regulations adopted by said board of directors shall be subject to repeal or change by the annual court of claims of said county. Said board and said court may adopt such modes of discipline as may be necessary for the management and good government of said institution; but any mode of discipline adopted by the board shall be subject to repeal or alteration by said court of claims. Said board of directors shall meet quarterly, at said infirmary, on the first Mondays in June, September, December, and March; and the president of the board may call a special meeting thereof at any time he may deem necessary.

Quorum.

Name and style.

Corporate powers.

§ 14. The said board of directors may recommend, but the court of claims of said county shall appoint, a superintendent of said institution, who shall reside in some apartment of the infirmary, or other building contiguous thereto, but on said county farm; and shall receive such compensation for his services, perform such duties, and give such security for their faithful performance, as the said county court of claims shall judge proper; he shall be governed in all respects by the rules and regulations adopted by said board of directors and by said county court of claims; and he may be removed at the pleasure of said board, between the annual terms of said court, or

Board to recommend, and county court to appoint, superintendent.

1874.

Directors ineligible for superintendent or other office in said institution.

Powers & duties of superintendent.

by said court at any one of its annual terms; but in no case shall said directors or said court of claims appoint one of their own number such superintendent; and in the event of the removal of said superintendent from office during the vacation of said court, said board shall have the power to appoint another superintendent until succeeding term of said court of claims; nor shall any director or member of said court be eligible to hold any other office, directly or indirectly, in the infirmary or work-house and house of correction, or receive any compensation whatever as physician in either, either directly or indirectly, wherein the appointing power, or authority to recommend, is in the members of said board or said court by this act or acts that may be amendatory thereof; nor shall the superintendent thus appointed hold any other post in the infirmary or work-house and house of correction. The said superintendent may require all persons received into the infirmary to perform such reasonable and moderate labor as may be suited to their ages or bodily strength, the proceeds of which shall be appropriated to the use of said institution, in such manner as the directors may appoint in vacation, or said court may appoint at its regular or called terms; but said superintendent shall in no case work said inmates, or cause them to labor a greater length of time than eight hours per day, and not more time in any case than may be reasonably suited to the age and bodily strength of said inmates, though that may be to perform no labor at all. In case of persons received into said work-house and house of correction, hard labor shall be required of them by said superintendent and board of directors, but not greater in length of time than ten hours nor less than eight hours per day; but at such labor, and in such manner, as said superintendent and said board, or the authorities legally authorized to order and ordering them there, may direct; and when not employed at hard labor, shall be securely confined in said work-house, or some apartment thereof, unless said directors or superintendent, in their discretion and liability, as hereinbefore named, may otherwise permit, in the cases of infants or females inmates thereof. The said superintendent shall receive into said infirmary any who shall produce to him such an order or voucher as hereinbefore described; but in no case shall he receive into said work-house and house of correction any person or persons, except upon the order of said directors, or some member thereof; and said superintendent shall enter in a book, to be provided by him for that purpose, and so kept and open to the inspection of said directors, the name and age, as near as may be, of every person received into said infirmary or into said work-house and house of correction, to-

gether with the day on which such person was received and dismissed, and in the case of those received into the work-house and house of correction, for what offense sent there, by whom, and for how long. He shall also enter in said book a full account of all labor performed in and about said institution, and the value thereof, and by whom performed, and what kind of labor; and shall also keep an accurate expense account, by the month, of said institution, which shall be entered in said book. 1874.

§ 15. It shall be the duty of the superintendent and board of directors of said infirmary and work-house and house of correction to provide comfortably for all the poor of Mason county received into said institution, by treating them humanely, and furnishing them with neat, cleanly, and comfortable sleeping apartments, good and comfortable clothing suitable to the season, and good and wholesome food for their diet, enjoining upon them strict cleanliness and neatness in their persons and apartments; and they may and shall adopt such rules and regulations as shall keep the whole premises neat and cleanly, and free from any nuisance; and they shall have authority to compel the inmates thereof, such as are able to labor, to perform such labor as is hereinbefore indicated; and in the work-house and house of correction for the inmates thereof they shall make and enforce such strict rules and regulations, as to mode of labor and punishment of offenders as shall best carry out the objects and intents of the law for the punishment and reclamation of offenders against law and public morality committed to their charge by the proper authorities, and in both departments, both the infirmary and the work-house, both while at labor and at night, males and females shall, as far as possible and necessary for carrying into effect the objects and intents of this act, be kept separate from each other.

Powers of superintendent and directors.

§ 16. All the profits of the labor of said infirmary and work-house and house of correction, and all profits in any other respect derived from said institution, shall be faithfully appropriated by said board of directors and the Mason county court of claims to the relief and comfortable support of the poor of Mason county; and after these expenses are fully met, and the debt created therefor fully paid, the remainder, if any, shall be paid over by the authorities of said institution to the county treasurer of Mason county, and be subject to such appropriation as may be made thereof by said court for the use and benefit of said county.

Profits of concern — how disposed of.

§ 17. The board of directors shall cause the infirmary and work-house and house of correction to be visited at least once in every month by a committee of their body, which committee shall carefully examine into the condi-

Committee of board to visit institution once every month and report condition, &c.

1874.

tion of the paupers, the manner in which they are fed, clothed, and otherwise provided for and treated, and what labor they are required by the superintendent to perform. Said committee also, at the same time and as often, shall carefully examine into the condition of the work-house and house of correction and the inmates thereof, and how they are kept, treated, fed, clothed, and what kind and amount of labor they are required to perform by the superintendent; shall inspect the books and accounts of the superintendent, and ascertain the monthly profits of said institution from all labor and other respects, and the monthly expenses and outlays of same, and shall make full report thereof at the next meeting of the board.

Directors to make
annual report to
court of claims.

§ 18. The board of directors shall yearly and every year make full and accurate report to the county court of claims, accompanied with correct and proper vouchers, of the state and progress of said institution, of all their proceedings, contracts, disbursements, and expenses in support of the poor or otherwise, and also a full showing of the proceeds of the labor or otherwise of said institution and county farm for the past year, and how much, if any, said institution falls short of being self-sustaining, and how much, if any, over and above its self-sustenance; and they shall also report to the county court any poor children in said infirmary who ought to be apprenticed outside of said institution, and in such case the county court may apprentice same as now required by law.

Compensation of
directors.

§ 19. The directors hereinbefore specified shall be allowed for their services under this act such sum as they may deem reasonable, not exceeding two dollars per day, for every day they may be necessarily employed in the duties of their appointment, to be paid to them out of the proceeds of said institution or out of the county levy of Mason county each year; and for said services shall make vouchers and swear to correctness of same.

Gifts, devises
&c., to said in-
stitution legal-
ized.

§ 20. All gifts, grants, devises, bequests, that now are or hereafter to be made of houses, lands, tenements, rents, goods, chattels, sum or sums of money, to the poor of Mason county, or for their benefit, by deed, gift, or by the last will and testament of any person or persons, or otherwise, shall be good and valid in law, and shall pass such houses, lands, tenements, rents, goods and chattels, &c., to the county court of claims of Mason county, and their successors in office, for the benefit of her poor respectively, under such regulations as shall, from time to time be made by law.

Where persons
are admitted as
paupers and be-
come possessed
of property, how
the same shall be
disposed of.

§ 21. In cases where persons are admitted into said county infirmary as paupers, and such persons be possessed of or the owners of property, whether real or personal, or having an interest in same in reversion or in any other

manner, legally entitled to any gift, legacy, or bequest, of whatever nature or kind soever, the directors may, as soon after such persons are admitted to said infirmary as they may think proper, take possession of all or any such property or other interest such pauper may lawfully be entitled to, and sell or dispose of same as hereinafter provided; and the net proceeds arising therefrom shall be applied, in whole or in part, under the special directions of said directors, and in such manner as they may think best, to the maintenance of such person during the continuance of such person as a pauper in said infirmary: *Provided*, That if the labor of such pauper at said infirmary, while he or she is an inmate thereof, shall be sufficient to maintain him or her, in the judgment of said board, then, in that event, when discharged or leaving said infirmary, if said property has been sold, such pauper shall receive the proceeds of said sale and interest thereon.

1874.

§ 22 Upon the death of any pauper in said infirmary, or who shall otherwise leave or be in any lawful manner discharged therefrom, whose property shall have been disposed of as provided in the last section and the avails thereof applied as provided for therein, and if there remain, at the time of such leaving, a balance due and in favor of such pauper on the books of said institution, where an account of the proceeds of such sale shall be kept, such balance shall be repaid by the directors, or any other authorized officer, to such pauper or other person legally entitled to receive the same.

Where pauper dies or leaves infirmary possessed of property, proceeds to be repaid to the party or their legal representative.

§ 23. When said board of directors shall desire to sell any real estate, under the provisions of section twenty-two of this act, they shall file a petition for that purpose in the Mason circuit court, and the proceedings thereupon, the sale, confirmation of sale, and execution of deed therefor, shall in all respects be conducted in conformity to the practice and statutory provisions for the sales of infant's real estate by guardian under the laws of Kentucky.

Where directors desire to sell real estate under act, petition to be filed in Mason circuit court.

§ 24. The term legal settlement in this act has application alone to the poor of said county and to said infirmary, and not to the work-house and house of correction, or to any who may be received therein. The term Mason county, when used in this act, includes also the city of Maysville, when reference is made to a person or persons who may be received or ordered to said work-house and house of correction; but does not include Maysville when reference is made to the poor who shall receive the benefit of said infirmary, nor when taxes are to be levied and collected for the purchase or carrying on of said institution, or for any of the monthly or annual profits

Legal settlement defined.

1874. therefrom ; and this shall be the case as long as said city of Maysville shall continue to provide for her own poor, and appropriate for that purpose, as she now does, the tithe tax of said city, instead of paying same into the county treasury of Mason county ; but if said city shall, at any future time, surrender the charge of her poor to the Mason county court and the directors of said infirm-ary, and shall pay her pro rata proportion of the cost of purchase, improving, and carrying on said county farm, as hereinbefore set forth, and interest, and shall be taxed for all county and State purposes just as the county outside of said city shall be taxed, and shall pay into the county treasury, or to the collecting officers of same, the same tithe tax that is annually collected off the citizens of the county, to be under the control of the Mason county court of claims ; and shall, through her city council, accept, ratify, and adopt all the provisions of this act, except such as shall be necessarily null and void by her being included, and not excepted as part of Mason county for the purposes of this act, then, in that event, the said city shall receive and enjoy all the benefits of this act : *Provided*, Said court of claims shall, by order of record in said court, agree thereto.

Chapter 86, Gen-
eral Statutes,
made applicable.

§ 25. Chapter eighty-six of the General Statutes of Kentucky, which went into operation December 1st, 1873, entitled "Poor and Poor-houses," shall have full force and effect as law in Mason county, except in such cases as the provisions of said chapter shall be in conflict with the provisions of this act ; then, in that case, the provisions of this act shall be the law in force in said county of Mason, and the provisions of said chapter, in so far forth as in conflict with the provisions of this act, are, so far as said county of Mason is concerned, repealed.

County court to
ratify act.

§ 26. The foregoing act of the Legislature of Kentucky, after its passage by said body, and approval by the Governor, shall not be binding and have the force and effect of law in Mason county until the same shall be received, ratified, and adopted by the Mason county court of claims, at one of the annual or called terms of said court, after the date of the approval of this act.

[Became a law without the Governor's signature, February 4, 1874.]

CHAPTER 161.

1874.

AN ACT to incorporate the Farmers' Bank of Longview.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. B. Radford, James S. Parrish, Chiles T. Barker, Charles Radford, M. D. Davie, W. F. Buckner, Samuel G. Buckner, J. W. Woodson, Cortez Leavill, S. P. Burke, Gustavus Bradshaw, G. M. Quarles, and James A. McKenzie, are hereby appointed commissioners to obtain subscription to the stock of the corporation hereinafter created, who, or a majority of whom, may meet in the village of Longview, at which time they may open books and receive subscriptions of stock to said institution, from day to day, until fifty thousand dollars shall have been subscribed, when the books may be closed and delivered to the subscribers, who shall thereupon constitute a body-politic and corporate, with the corporate name of the "Farmers' Bank of Longview." The said subscribers and their successors shall so continue for the term of thirty years, and may contract and be contracted with, sue and be sued, implead and be impleaded, and exercise all the other powers usually incident to such corporations.

Commissioners to obtain subscription of stock to amount of \$50,000, and continue for 30 years.

§ 2. The capital stock of said institution shall not be less than twenty-five thousand nor more than one hundred thousand dollars, divided into shares of fifty dollars each, which shall be personal estate, and transferable only on the books of the company in such manner, and subject to such regulations, as the board of directors may prescribe.

Capital stock not than \$25,000 nor more than \$100,000, into shares of \$50 each.

Deemed personal estate.

§ 3 Upon receipt of the books of subscription, the subscribers, or a majority in value of them, shall meet and elect five persons, who shall be stockholders, to serve as directors of said institution until the first Monday in January following, and until their successors shall be elected. The annual meeting of the stockholders shall be held thereafter on the first Monday in January of each year, but meetings may be held oftener if the directors, or a majority of them, require it; and in all meetings of stockholders, each person shall be entitled to one vote for every share of stock held by him. The directors may choose one of their number, or out of the other stockholders, as their president, and may appoint such other officers as they may require, fix their compensation, prescribe their duties, and take bond and security for the faithful discharge thereof. May prescribe the times and manner of paying in the stock, and shall have the general control of the affairs of the bank. In case a vacancy occurs in the board of directors, by death or otherwise, during the intervals between the regular meetings, the remaining mem-

Five stockholders to be elected — meetings of stockholders 1st Monday in January, annually.

May elect president and other officers, take bond, &c., fix salaries, &c.

1874.

bers may elect a stockholder to fill such vacancy until the next regular meeting of the stockholders.

Penalty against officers for failure in discharge of duties.

§ 4. That if any of the officers of said corporation shall, without the authority of the president and directors, appropriate any of the funds thereof to his own use, or that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries on the book or books of the institution, with the intent to cheat or defraud the corporation, or any other person, to hide or conceal any improper appropriation of the funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the penitentiary of this State for a period of not less than two nor more than twenty years.

May transact general banking business.

§ 5. The business of said bank shall be to receive money and bank notes on deposit, and it may allow the depositors such interest thereon as may be agreed upon, not inconsistent with the laws of this State; to deal in gold and silver coin, bullion, bills of exchange, and promissory notes; to buy and sell the stock of other companies, and the bonds of the State and the United States, but it shall not issue notes or bills, or any other instruments, intended for circulation as money.

Notes, bills, &c., discounted, placed on footing of foreign bills of exchange.

§ 6. All promissory notes negotiable and payable at some incorporated bank in this State purchased or discounted by this bank shall be put on the footing of foreign bills of exchange, and remedy may be had jointly and severally against the drawers and indorsers thereon.

May declare dividends & make exhibit of condition.

§ 7. The directors may declare annual or semi-annual dividends of the profits arising from the business of said bank; and on the first day of January and of July in each year shall make an exhibit of its financial condition, which shall be open to the inspection and examination of the stockholders; and having been audited and attested by the president and cashier, shall be recorded in a book kept for that purpose.

Penalty for failing to pay deposits on demand.

§ 8. Should any person make a deposit in said bank and be refused payment thereof, on demand made for the same according to the terms of deposit, and without lawful excuse, said bank shall pay to the depositors the amount of his deposit, and legal interest, and ten per cent damages, to be recovered by suit in the Christian circuit court. Said bank shall pay its deposits in gold and silver, or in currency of like kind of that deposited.

May purchase, hold, and sell real estate, and hold same as surety for money loaned.

§ 9. The said bank may purchase, hold, sell, and convey any real and personal estate which may be necessary to carry out the object of its creation, and it may receive conveyances of real estate, or such other property as may be necessary or proper to secure any debt to it, or which may be sold for the payment of such debt.

§ 10. This charter shall be forfeited by the violation of any of the provisions thereof by any of the officers of the institution ; and a failure or refusal of the company to pay into the Treasury, on the first day of July in each year, fifty cents on each one hundred dollars' worth of stock subscribed, to be part of the revenue proper, which shall be in full of any tax upon its capital stock, shall work a forfeiture of the charter.

1874.

Charter forfeited for failure of officers to comply with provisions of charter.

Tax on capital stock to work as forfeiture of charter, unless paid.

§ 11. If at any time the charter of said bank shall be forfeited as herein provided, or a depositor shall be refused payment of the whole or any part of his deposit in said bank, according to the provisions of section eight herein, in order to secure the payment of the debts of the bank, each and every stockholder shall be required to pay an amount equal to the amount he owned in said bank at the date of such forfeiture or refusal, to the creditors of the bank, and to that extent shall be personally liable for the debts due from such bank, and upon its failure to pay the same suit may be instituted against the stockholders jointly and severally in any court of competent jurisdiction for the recovery of such debt or debts.

Stockholders liable for amount of stock for violation of provisions of charter, &c.

§ 12. The General Assembly shall have the right to examine into the affairs of said corporation by any committee they may appoint for that purpose.

General Assembly may examine bank by committee.

§ 13. This act to be in force from and after its passage.

[Became a law without the Governor's signature, February 10, 1874.]

CHAPTER 164.

AN ACT in relation to the town of Newtown, in Scott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for the county court of Scott county to grant license to any person or persons to sell spirituous, vinous, or malt liquors within two miles of the town of Newtown, in said county.

County court not to license liquor selling.

§ 2. That any such license, if so granted, shall be null and void and of no effect.

Any such license to be void.

§ 3. That any person selling such liquors in violation of this act shall be subject to all the pains and penalties for keeping a tippling-house as now provided for by law.

Penalty.

§ 4. This act shall take effect from and after its passage.

Approved February 3, 1874.

1874.

CHAPTER 166.

AN ACT for the benefit of the present lessees of the Idee Hotel.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed to sell
liquors in same
building with bil-
liard-saloon.

§ 1. That the present lessees of the Idee Hotel, in Richmond, Kentucky, be, and they are hereby, authorized to keep their billiard tables in the room opening into or adjoining the room in said hotel where they keep or sell their spirituous liquors: *Provided*, They take out license as now required by law.

§ 2. This act shall take effect from its passage.

Approved February 3, 1874.

CHAPTER 167.

AN ACT for the benefit of Mason Morris, late sheriff of Edmonson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed two
years to settle old
business.

§ 1. That Mason Morris, late sheriff of Edmonson county, be allowed the further time of two years, from the first day of April, 1874, to collect his fee bills, and the unpaid revenue and county levy due him; and that he be allowed to levy upon and sell any property that sheriffs of this Commonwealth are allowed to sell under the now existing statutes for taxes and fee bills.

§ 2. This act to take effect from and after the 1st of April, 1874.

Approved February 3, 1874.

CHAPTER 168.

AN ACT to amend the charter of the Bath Seminary, incorporated by an act approved February 23, 1846.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Change of
ownership to be
entered of record.

§ 1. That hereafter, should the trustees of the common school district No 1, of Bath county, or "the board of trustees of the Owingsville public schools," become the owners of a majority of the capital stock of said Bath Seminary, the trustees or directors of the Bath Seminary shall enter the fact of record upon their journal, and shall have the right and authority of fixing the time and place for holding all future elections of the officers of said Bath Seminary, or of any election by the stockholders thereof.

§ 2. That the officers of said corporation shall consist of five trustees, from and after the next regular election.

§ 3. That should the said trustees of common school district No. 1, of Bath county, or the board of trustees of the Owingsville public schools, become the owners of all the stock of said Bath Seminary, they shall be invested with all the rights, privileges, and property of said Bath Seminary, and of the directors and trustees thereof, which facts they shall have entered of record in the Bath county court.

1874.

New owners to be vested with all rights of old corporation.

Approved February 3, 1874.

CHAPTER 169.

AN ACT to authorize the county judge of Campbell county to appoint one day in each week upon which the justices of the peace for the Dayton and Belview magisterial district may hear civil causes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county judge of Campbell county is hereby authorized and empowered to set apart one day of each week upon which the justices of the peace for Dayton and Belview magisterial district may hear civil causes, and the regular quarterly courts of said justices of the peace are hereby abolished.

§ 2. This act shall be in force from and after its passage.

Approved February 3, 1874.

CHAPTER 170.

AN ACT authorizing the county court of Magoffin county to dispose of its land warrant at the rate of two dollars and fifty cents per one hundred acres.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the county court of Magoffin county be, and is hereby, authorized to sell and dispose of its land warrant (to be laid upon any vacant and unappropriated lands in said county) at the rate of two dollars and fifty cents per one hundred acres.

§ 2. This act shall take effect from and after its passage.

Approved February 3, 1874.

1874.

CHAPTER 171.

AN ACT to prohibit the destruction of fish in Tennessee river, or within one mile of the mouth of its tributaries.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Unlawful to seine
or net in Tennes-
see river.

§ 1. That it shall be unlawful for any person to seine or net for fish in the Tennessee river, or in any of its tributaries, within one mile of the mouth thereof.

Penalty.

§ 2. Any person guilty of a violation of section one of this act shall be fined twenty-five dollars for each offense, to be recovered in a warrant before a justice of the peace.

§ 3. This act shall take effect from and after its passage.

Approved February 3, 1874.

CHAPTER 172.

AN ACT to incorporate the Catholic Benevolent Society of Mt. Sterling.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names

Name and style.

Corporate
powers

§ 1. That M. C. O'Connell, James King, Patrick Penter, Thomas C. Moore, and their associates, the present members of the above named society, and their successors forever, be, and they are hereby, constituted a body-politic and corporate, by the name of the "St. Thomas Catholic Benevolent Society of Mt. Sterling, Kentucky;" and by that name shall have perpetual succession and corporate existence, with full power to contract and be contracted with, sue and be sued; to have a corporate seal, and alter or break the same at pleasure; and to adopt or put in force such constitution, by-laws, rules and regulations, for the government of said society, and for the prudent and efficient management of its affairs, as may be deemed expedient and proper: *Provided*, The same be not inconsistent with the Constitution or laws of this State or of the United States.

May take and
hold property by
gift, devise, &c.

§ 2. Said corporation is hereby authorized and empowered to acquire and hold, by purchase, devise, bequest, gift, grant, or otherwise, real estate to the value of not more than ten thousand dollars, a library and other personal property to the value of not more than ten thousand dollars; and said corporation may compel the individual members of the society to pay all dues, demands, and moneys which may be due by each to it; and may sell, exchange, or transfer the property aforesaid, or any of it, at pleasure.

1874.

§ 3. The qualifications for membership of said society shall be such as its constitution and by-laws may prescribe.

Qualifications of members.

§ 4. That said society may, at such time as its by-laws may fix, elect a president, secretary, and treasurer, and such other officers as they may think fit to elect or appoint, and may require bonds from them, or either of them, which shall be binding in law, conditioned for the faithful performance of their duties.

Corporation may elect officers.

§ 5 That the pastor of the Catholic Church at Mt. Sterling shall be the honorary president of said society, and possess the powers and perform the duties as prescribed by its constitution.

Pastor of Catholic Church to be honorary president.

§ 6 The corporation hereby created cannot engage in banking or brokerage; but may loan out or invest any surplus moneys on hand, belonging to the society, in such manner as the society may direct; and the net profits of all its business shall be forever appropriated in charity, for the relief of its members, and improvement of their condition.

No banking privileges allowed.

§ 7. The General Assembly of Kentucky reserves the power to repeal, alter, or amend this act.

§ 8. This act shall take effect from its passage.

Approved February 3, 1874.

CHAPTER 173.

AN ACT for the benefit of Stephen Nethercutt, late sheriff of Carter county, Seth Parker, Samuel Ellis, and R. B. Lovel, late sheriffs of Lewis county, and W. L. Crumbaugh, late sheriff Lyon county, and their deputies.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years be, and the same is hereby, given to Stephen Nethercutt, late sheriff of Carter county, Seth Parker, Samuel Ellis, and R. B. Lovel, late sheriffs of Lewis county, and W. L. Crumbaugh, late sheriff of Lyon county, and their deputies, in which to collect, by distraint or otherwise, all uncollected back taxes of all kinds and fee bills due to said late sheriffs and deputies respectively: *Provided*, That said sheriffs shall be liable for collecting illegal fee bills and back taxes as now prescribed by law.

Allowed two years to settle up old business.

§ 2. That said sheriffs shall have authority to list said fee bills and back taxes with the constables of their respective counties for collection, and said constables shall have power to collect the same in the same manner, and

May list and have collected all fee bills.

1874. under the same restrictions only, as sheriffs now have by law, except they shall not have power to sell land.

§ 3. This act shall take effect and be in force from its passage.

Approved February 3, 1874.

CHAPTER 174.

AN ACT to amend the charter of the town of Bellpoint, in Franklin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Bellpoint, in Franklin county, be, and the same is hereby, so amended so as to extend the southwestern boundary thereof as follows: Commencing at mouth of Benson and running with the county road to end of railroad bridge; thence with Louisville, Cincinnati, and Lexington Railroad to the barrel factory of Messrs. Flynn & Watson, including their premises; thence in a northerly direction to the original boundary of said town.

§ 2. This act to take effect from and after its passage.

Approved February 3, 1874.

CHAPTER 175.

AN ACT to amend an act, entitled "An act for the benefit of the personal representatives of Robert Foster, deceased."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved the 21st March, 1871, entitled "An act for the benefit of the personal representatives of Robert Foster, deceased," be amended in its first section by inserting in the second line thereof, immediately after the word deceased, the following: "Or the residuary devisees, under the will, entitled to said bond, or the heirs, or any of them, of the said Robert Foster."

§ 2. This act to take effect from its passage.

Approved February 3, 1874.

CHAPTER 177.

1874.

AN ACT to grant and confirm unto the St. Louis and Southeastern Railway Company (consolidated) the rights, powers, privileges, franchises, and immunities of the Henderson and Nashville Railroad Company, the Evansville, Henderson, and Nashville Railroad Company, and the St. Louis and Southeastern Railway Company (Kentucky Division).

WHEREAS, The rights, powers, privileges, franchises, and immunities of the Henderson and Nashville Railroad Company have been heretofore sold and conveyed unto the Evansville, Henderson, and Nashville Railroad Company, and were confirmed unto said last named company by an act of the General Assembly, approved the twenty-sixth day of February, A. D. 1868; and whereas, the said Evansville, Henderson, and Nashville Railroad Company, with the ratification of all its stockholders, has consolidated and amalgamated its stock, franchises, and property with those of the St. Louis and Southeastern Railway Company, of Illinois and Indiana, the Nashville, Chicago, and St. Louis Railroad Company, of Tennessee, and the St. Louis and Southeastern Railway Company (Kentucky Division), of Kentucky, all thereby now constituting one company under the corporate name of the St. Louis and Southeastern Railway Company (consolidated); now, because of the premises,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the said St. Louis and Southeastern Railway Company (consolidated) shall, by that name, have, and there is hereby granted and confirmed unto it, all the rights, powers, privileges, franchises, and immunities conferred by law upon said Henderson and Nashville Railroad Company, upon said Evansville, Henderson, and Nashville Railroad Company, and upon said St. Louis and Southeastern Railway Company (Kentucky Division), including all such rights, powers, privileges, franchises, and immunities as were granted and conferred by the acts incorporating each of said companies, and also those conferred by all the acts amendatory of any of said incorporating acts which have been passed by the General Assembly of this Commonwealth; but where any of said charters or acts amendatory thereof have been changed or modified by later acts of the General Assembly, this act shall not be so construed as to revive or re-enact any provision of such charters or amendments so repealed or modified; and the board of trustees of said St. Louis and Southeastern Railway Company (consolidated) shall have the same powers as have been conferred by any of the acts aforesaid upon the president and directors, the president and board of directors, or the board of directors of either of said companies.

Consolidated company to have all rights of the separate companies.

1874. § 2. This act shall be in force from and after its passage.

Approved February 3, 1874.

CHAPTER 178.

AN ACT to incorporate the town of Geigerville, in the counties of Boyd and Carter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Town incorporated.

§ 1. That the town of Geigerville, in the counties of Boyd and Carter, be, and the same is hereby, incorporated.

Boundary.

§ 2. That the corporate limits and boundaries of said town shall be as follows, viz: Beginning at the northwest corner of Joel T. Buckley's lot; thence a straight line a northeast course to and including the residence and lot of Allen T. Vaughn; thence a straight line to and including the residence of John Plum; thence a straight line to and including the residence of James Kilgore; thence a straight line to and including the residence of John G. Black; thence a straight line an easterly course to and including the residence of Andrew Hall; thence a straight line a southerly course to and including James H. McBryer's lot on Rush creek; thence a straight line a northwest course to and including the residence and lot of Wiser Adkins; thence a straight line to the beginning.

Trustees' names.

§ 3. That Wiser Adkins, D. A. Leffingwell, Alexander Howell, J. Calvin Lambert, and John W. Johnson, be, and they are hereby, appointed trustees of said town, who shall hold their office until the first Saturday in June, 1874, on which day, and annually thereafter, there shall be an election by the qualified voters of said town of five trustees to serve for the space of one year, and until their successors are duly elected and qualified.

Trustees to take oath.

§ 4. That the trustees of said town aforesaid, and their successors in office, before they shall enter upon the duties of their office as such, shall take an oath before some justice of the peace of Carter county that they will faithfully, and to the best of their ability, perform the duties of trustees of said town, in addition to the oath prescribed by the Constitution of this State.

Name and style, and corporate powers.

§ 5. That said trustees, and their successors in office, shall be a body-corporate and politic, and known by the name and style of "The Board of Trustees of the Town of Geigerville;" and by that name be capable of contracting and being contracted with, of suing and being

sued, pleading and being impleaded, in all the courts of this Commonwealth; they may have and use a common seal, which they may alter at pleasure; they shall have the power to create all necessary by-laws for the government and control of said town, and inflict such penalties for a violation of their by-laws as they may, by ordinance, prescribe: *Provided*, The same shall not be in conflict with the general laws now in force for the suppression of crime in this Commonwealth, and the punishment and penalties imposed shall not exceed fifty dollars' fine and thirty days' imprisonment. Said board of trustees shall have all the powers and privileges, and be subject to the same duties and liabilities, as is provided by general laws in relation to towns incorporated in this Commonwealth. 1874.

§ 6. Whenever a vacancy in the board of trustees of said town shall occur, either by resignation, death, or failure to qualify within one month after the election or appointment of trustees as hereinbefore provided for, the said vacancy may be filled by the appointment of the trustees in office, which shall be entered on the records of the proceedings of the board of trustees. Vacancies—how filled.

§ 7. That at the election held on the first Saturday in June, 1874, and every two years thereafter, a police judge shall be elected for said town, who shall hold his office for two years after his election, and until his successors shall have been elected and qualified; he shall be commissioned by the Governor and take the same oath required by law to be taken by justices of the peace in this Commonwealth; he shall have jurisdiction in civil cases in said town, and misdemeanors and breaches of the criminal and penal laws of this Commonwealth, the same as that of justice of the peace, and his fees shall be the same as those allowed justices of the peace and county judges for similar services. Police judge to be elected—term of office and jurisdiction.

§ 8. There shall be held an election for the office of marshal of said town on the first Saturday in June, 1874, and on the same day annually thereafter. He shall have the same powers as constables now have by law within the limits of said town. He shall hold his office for one year, and until his successor shall have been elected and qualified; but before he enters on the duties of his said office, he shall execute bond, with good personal security or securities, in the Carter county court, conditioned the same as that of a constable, which shall be acknowledged by the marshal and his sureties in, and approved by, said court. He shall be entitled to the same fees that constables and sheriffs are now allowed by law for similar services. Marshal to be elected—his powers & duties.

§ 9. The board of trustees of said town shall appoint a marshal, who shall act as such until the first Saturday in Trustees to appoint pro tem. marshal.

1874. June next; and whenever a vacancy shall occur in the office of marshal of said town, they may appoint some suitable person to act as such until the next regular election for such officer thereafter.

Trustees to recommend police judge to Governor or to serve until regular election.

§ 10. The board of trustees of said town shall recommend to the Governor some suitable person, residing in said town, for the office of police judge; he may be one of their own body, and the Governor shall commission the person so recommended, and he shall hold his office until the first Monday in August, 1874, and until his successor shall be duly qualified; and whenever a vacancy in the office of police judge of said town shall occur, by death, resignation, or removal out of the limits of said town, the board of trustees shall recommend some suitable person to the Governor to fill such vacancy, who shall issue his commission to the person thus recommended, and the police judge thus appointed shall hold his office until the next regular election thereafter, and until his successor shall have been elected and qualified.

Vacancy in police judge's office — how filled.

Liquor license to be restricted.

§ 11. The county courts of the counties of Boyd and Carter shall have no power to grant a license to retail ardent spirits in said town, either to merchants or tavern-keepers, without the consent of the board of trustees of said town; and said trustees shall have power to levy a tax on all persons licensed by them to retail ardent spirits in said town: *Provided, however,* If a majority of the qualified voters in said town, voting at the election to be held in said town on the first Saturday in June, 1874, shall vote against granting a license to sell ardent spirits in said town, said trustees nor the county courts of Boyd and Carter counties shall have power to license any person or persons to sell ardent spirits in said town thereafter.

Who shall conduct elections.

§ 12. The elections held under and by virtue of this act shall be conducted by one of the trustees of said town, with some suitable person, appointed by him, to act as clerk.

Fines and penalties — how disposed of.

§ 13. All fines that may be imposed or assessed by the police judge of said town for violations of the by-laws of said town, shall be collected in the same manner as other fines are now collectable by law; and warrants and other process for the enforcement of the by-laws of said town shall be in the name of the Commonwealth of Kentucky for the use of the board of trustees of said town; and said town shall have the use of the jail of Carter county for the confinement of persons adjudged to be confined, or who may fail and refuse to pay any fine and the costs of the prosecution against them, at the rate of two dollars per day, until the fine and costs shall be made up; but such confinement shall not operate to satisfy the

judgment against such person, and execution may issue against his property. 1874.

§ 14. Proceedings may be had before the police judge of said town, or any justice of the peace residing in district No. 8, in Carter county, for violations of the by-laws of said town, and they shall be by warrant, and conform to proceedings in courts of justices of the peace under existing laws. The police court in said town shall be held regularly on the first Saturday in each month for the trial of civil causes returned before the judge.

Where judicial jurisdiction shall lie.

§ 15. That it shall be the duty of the trustee and clerk, who shall hold the election on the first Saturday in June, 1874, to certify the result of the election, in regard to granting license to vend spirituous liquors in said town, to the clerks of the county courts of Boyd and Carter counties, which shall be presented to said courts and entered on their order-books.

Officers of election to certify result.

§ 16. This act shall take effect and be in force from its passage.

Approved February 3, 1874.

CHAPTER 179.

AN ACT to incorporate the Boyd County Fair and Exposition Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That A. C. Campbell, D. Putnam, J. W. Means, J. M. Montmollin, and Joseph Mitchell, and their associates and successors, be, and they are hereby, created a body-politic and corporate, under the name and style of the Boyd County Fair and Exposition Association, with perpetual succession; have full power to receive, acquire, and hold, by purchase, lease, gift, subscription, &c., any and all lands, moneys, and estate, real or personal, for the purposes hereinafter stated; to sell, transfer, or convey the same; and under said name may, in their corporate capacity, sue and be sued, plead and be impleaded, in any court of law or equity; and may have and use a common seal, and alter or abolish the same at pleasure.

Name of corporators, and style of same.

May purchase, lease, acquire, & hold property, & use common seal, &c.

§ 2. That any three of the above named persons constitute a board of commissioners *pro tempore*, to transact any business in the interest of said association; may, within three years from the date hereof, open books for the subscription of stock, and whenever one thousand dollars are subscribed, at their discretion, call a meeting of the stockholders for the election of a board of seven directors to serve for one year, and until their successors

Books for subscription stock to be opened by commissioners.

1874. are duly elected and qualified; and the said stockholders shall hold a similar meeting annually on the fourth Saturday in October; but if, from any cause, they fail to hold an election on that day, the board of directors incumbent may, at their discretion, call a meeting for that purpose on any day they deem expedient, by giving notice twenty days previous thereto in any newspaper printed in Boyd county, or by mailing written or printed notices to the several stockholders, and may, by giving similar notice, call a meeting at any time for any purpose, in their judgment, necessary to the interests of said association.

Objects of association defined.

§ 3. That the objects of said association shall be the promotion, improvement, development, and encouragement of the agricultural, mechanical, mining, manufacturing, stock-raising, and general industrial interests and resources of its vicinity; and for the purpose of advancing said interests, the board of directors may hold one or more exhibitions annually, offering such premiums and awards as, in their judgment, are conducive thereto.

Capital stock fixed—shares \$25 each.

§ 4. That the capital stock of said association shall be five thousand dollars, liable to increase, if desirable, to twenty thousand dollars, to be divided into shares of twenty dollars each, to be paid or transferred, or otherwise controlled, as provided in the constitution and by-laws thereof.

By-laws, constitution, rules and regulations, to be adopted.

§ 5. That the prudential, financial, and other concerns of said association, together with all its property and estate of any and every kind, shall be under the control of the president and directors, who shall have power to make and adopt such a constitution, by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, and alter, amend, or repeal the same at pleasure, as, in their discretion, are necessary to the management or conducive to the interests of said association, and may require of stockholders to affix their respective signatures to said constitution, by-laws, &c., as fully consenting to the terms thereof and conditional to the ownership of stock in said association.

Stockholders to elect officers, and may require bonds, &c.

§ 6. That the board of directors, a majority of whom shall constitute a quorum, shall elect one of their number president, whose vote, in all cases of tie, shall be decisive; and the board of directors shall have power to fill vacancies occurring in their body by death, removal, resignation, or otherwise, by election from the stockholders; and they shall have power to elect a treasurer, one or more vice presidents, and one or more secretaries, and such other officers as necessary to the interests of said association, and may require of all its officers bond, with security, for the faithful discharge of their respective duties

§ 7. That for and during the days on which said association may hold its exhibitions, the board of directors may, for satisfactory consideration, rent or lease to, and have exclusive control over, shows, menageries, minstrel troupes, curiosities, swings, booths for refreshments, sale-stands, and similar institutions, the privilege of exhibiting or selling within their grounds, with exemption from taxes, fines, or license, State or municipal: *Provided*, That said board of directors shall not allow within their grounds, or the vicinity thereof, any immoral exhibition, or any gambling or swindling devices, or the sale or gift of any intoxicating liquors.

1874.

May license shows, &c., and lease and rent refreshment stands, booths, &c.

§ 8. That for and during the days on which said association may hold its exhibitions, no person shall, without the consent of the board of directors first had and obtained, erect on any lot or land, road, street, or alley, within the distance of three hundred yards of the boundary of the grounds owned or leased by said association, any booth, stall, or shed, or station any table, stand, wagon, cart, or other vehicle, for the sale or gift of any refreshments, confections, cakes, cider, fruits, melons, intoxicating drinks, &c.; and any person who shall violate the provisions of this act shall be liable for a fine of not less than five nor more than twenty dollars for each separate act of selling, to be recovered by a warrant from, and tried before, any justice of the peace for Boyd county; and all fines so recorded shall be for the benefit of said association.

Penalty for erecting any booth, stand, or fixture within 300 yards of fair grounds, for refreshments, &c.

§ 9. That the board of directors aforesaid, during the days aforesaid, shall have power to remove any booth, stall, shed, table, stand, wagon, cart, or other vehicle, on or at which any refreshments, confections, cakes, cider, fruits, melons, intoxicating drinks, &c., are sold or offered to be sold within the distance aforesaid of the grounds of said association, without the consent of the board of directors aforesaid first had and obtained; and they may also, by their marshals and police, arrest any disorderly person within their grounds, or the distance thereof aforesaid, who may annoy or disturb the crowd in attendance, or obstruct the gates of entrance, or otherwise interfere with their exhibitions, and bring them summarily before any justice of the peace for Boyd county, to be dealt with according to law.

Power to remove booth, stall, shed, &c.

§ 10. That any person who shall, at any time, trespass on the grounds owned or leased by said association, by hunting, shooting, fishing, gaming for money, or by lewd or immoral conduct, or by marring, defacing, or otherwise injuring its trees, shrubbery, ornaments, buildings, or other property, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than ten

Penalty for trespass on grounds.

1874.

Commonwealth's
Attorney to prose-
cute.

dollars, or in default of the payment of whatever fine may be imposed, imprisonment in the county jail for not less than twenty days, such fine recoverable by warrant in the name of the Commonwealth from any justice of the peace for Boyd county, or by indictment in the Boyd circuit court; and in case of a warrant from a justice, it shall be the duty of the county attorney to prosecute, and in case of indictment, it shall be the duty of the Commonwealth's Attorney to prosecute, such attorney to have twenty-five per cent. of all fines collected, provided he prosecutes as herein required; and all fines collected under this act (less prosecuting attorney's fees) shall be for the benefit of said association.

§ 11. This act shall take effect from its passage.

Approved February 3, 1874.

CHAPTER 181.

AN ACT to incorporate the town of Rowlett's Station, in Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of
town defined.

§ 1. That the town of "Rowlett's Station," as now laid off, be, and the same is hereby, incorporated, and the boundary of the same shall be one thousand three hundred and twenty yards, in all directions, from the railroad depot in said town.

Board trustees to
control, govern,
&c.

§ 2. That the said town shall be under the control and management of a board of five trustees, who shall be chosen, and governed in their duties and action, by the provisions of articles two, three, and four, chapter one hundred and seven, of the General Statutes, which are hereby made a part of this charter

Trustees & their
duties defined.

§ 3. That the same board of trustees shall be conservators of the peace, and it is hereby made the duty of the same, through the chairman, or any member thereof, to prosecute, by warrant, in the name of the trustees, all cases of violation of law which may come under their notice, or which may be brought to their knowledge by complaint of others, such as breach of the peace, misdemeanors, drunkenness, profane swearing, selling intoxicating liquors contrary to law, &c.

Sale of spirituous
liquors, &c., pro-
hibited, and pen-
alty for violating
provisions.

§ 4. That the said board of trustees shall have no power or authority to grant license to any person or persons whatever for the sale of any spirituous, vinous, or malt liquors within said town; and no merchant, grocer, tavern-keeper, or druggist, or any other person or persons, shall be permitted to sell, or keep and offer for sale, any spirituous, vinous, or malt liquors, or any mixtures of the same, or

any of the so-called preparations of "bitters," within the limits of said town, or within one fourth of a mile of the same; any and all persons found guilty of violating of the above provisions shall be fined for each and every such offense sixty dollars, or thirty days' imprisonment in the county jail in default of payment of said fine. 1874.

§ 5. This shall take effect from its passage.

Approved February 4, 1874.

CHAPTER 182.

AN ACT to amend section fourteen, chapter seventy-five, General Statutes

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fourteen, chapter seventy-five, General Statutes, be, and the same is, so amended as to authorize and direct the chancellor, in all cases of sales of real estate under an order or judgment of the court, made by the master commissioner, to make a reasonable and just allowance in each case to the master commissioner in payment for said services, to be taxed as costs: *Provided*, This act shall apply only to the counties of Kenton, Campbell, Pendleton, and Bracken.

§ 2. This act shall take effect from and after its passage.

Approved February 4, 1874.

CHAPTER 183.

AN ACT to amend an act, entitled "An act to incorporate the town of Cairo, in Henderson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Cairo, in Henderson county" (which became a law without the signature of the Governor January 11th, 1873), be, and the same is, amended as follows: Hereafter the boundaries of the said town of Cairo shall be as follows: Beginning at the southwest corner of the academy grounds, running thence north sixty degrees west eight poles to a stake; thence north thirty-six degrees east fourteen and one half poles to a stake; thence north fifty-seven degrees west thirty-six poles to a stake; thence north twelve degrees thirty minutes west one hundred and sixty-nine poles to a stake, in a line between Kohl and Ward; thence with said line north sixty-one degrees

Boundaries of
town defined.

1874.

Body-politic and
corporate, and
style.

Trustees to pro-
vide for streets or
municipal pur-
poses.

May purchase &
pay for property,
&c.

May levy and
collect taxes for
town purposes.

east thirty poles to the Henderson and Madisonville road; thence north eighty-five degrees east ninety-eight poles to a stake; thence south eight degrees east two hundred and twenty poles to a black oak; thence south eighty-nine degrees west twenty-four and one half poles to the Henderson and Madisonville road; the same line continued sixty-six poles to the beginning; and the territory embraced within the foregoing boundary is hereby declared to be a town, and the inhabitants thereof are hereby created a body-politic, by the name and style of "The Town of Cairo," with perpetual succession; with power to sue and be sued; and with all other powers incident to such corporations in this State.

§ 2. To procure property for street or other municipal purposes within said town, the trustees thereof may, by resolution or ordinance, provide for the purchase, at a stated price, of any designated property, and the chairman of the board of trustees may tender to the owners of the property, if adults, the money at said price, and make the purchase, if accepted; but if the owner refuse to sell at such price, or if the owner be an infant, married woman, or labor under any other disability, then the property may be condemned by writ of *ad quod damnum*, in the name of the town of Cairo, against all owners interested in said property or any part thereof; said writ to be served out, and the proceedings thereunder to be had in the same manner as is provided by chapter one hundred and ten of the General Statutes, so far as said chapter can be made applicable; but in no case shall said property be taken possession of until its value, as fixed by the judgment rendered in said proceedings, is first tendered in money to the owner of the property, or other person authorized to receive the same.

§ 3. Hereafter the trustees of said town may cause to be levied and collected a poll-tax of not exceeding two dollars upon each male inhabitant of said town between the ages of sixteen and fifty years, which tax shall be used exclusively for the improvement and repairs of streets and ways in said town; and in case said tax is levied and collected, the inhabitants of said town shall be exempt from the payment of any other poll-tax for road purposes.

§ 4. This act shall be in force from its passage.

Approved February 4, 1874.

CHAPTER 184.

1874.

AN ACT to amend an act, entitled "An act to incorporate the town of Horse Cave," approved March 15, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section twelfth of an act, entitled "An act to incorporate the town of Horse Cave," approved March 15, 1869, be so amended as to continue to read, or "they may be balled and chained, and compelled to hard labor on or about the streets of Horse Cave, at the rates of two dollars per day, under the control of the marshal of said town, until they pay their fine, and the cost assessed against them.

Parties fined to pay in work on streets at \$2 a day.

§ 2. That section thirty-eight of said act be so amended as to make the marshal of said town, by virtue of his office, the collector of said town, who shall have power coextensive with sheriffs of this Commonwealth to collect and restrain for taxes of said town back to and including all unpaid back taxes to 1869; also binding him to pay over the taxes so collected by him to the board of trustees monthly.

Marshal to collect fines and taxes.

§ 3. That nothing in this act shall be so construed as to authorize said marshal to do any business, except for the purposes specified in this act.

Marshal's duties limited.

§ 4. This act to take effect from its passage.

Approved February 4, 1874.

CHAPTER 185.

AN ACT to amend the charter of the Caverna Deposit Bank, in Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section (2) two of the charter of the Caverna Deposit Bank, in Hart county, be, and it is hereby, so amended that the control and direction of said bank shall be under the direction of seven directors, instead of five (5) as heretofore, and the existing board of directors are authorized to elect the two additional directors to serve until the next annual election of directors, at which time the stockholders shall elect the whole number of directors as now required by the charter of said bank.

Seven directors instead of five to be elected.

§ 2. The board of directors are hereby authorized and empowered to elect one of their number as vice president, who, in the absence of the president of said bank, shall preside over the meetings of the board, and shall

Vice President to be elected, and duty prescribed.

1874. have and possess all the power and authority that the president of said board now has.

§ 3. This act to take effect from its passage.

Approved February 4, 1874.

CHAPTER 190.

AN ACT to amend the charter of the Methodist Episcopal Church, South, Widows' and Orphans' Home.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section three of an act, entitled "An act to incorporate the Methodist Episcopal Church, South, Widows' and Orphans' Home, in the State of Kentucky," approved March 18th, 1871, be, and the same is hereby, amended by striking out the last paragraph in said section, and inserting in lieu thereof the following: "said institution shall be regarded as under the patronage of the Louisville and of the Kentucky Annual Conferences of the Methodist Episcopal Church, South, in the State of Kentucky."

§ 2. This act shall take effect from its passage.

Approved February 4, 1874.

CHAPTER 191.

AN ACT to amend the charter of the town of Nicholasville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Nicholasville be, and the same is hereby, amended as follows, to-wit:

§ 2. That the area embraced within the present limits of said town be, and the same is hereby, divided into four wards, described as follows, to-wit:

Town to be
divided into
wards.

Boundary of
ward No. 1.

§ 3. The area embraced within the following limits shall constitute Ward No. 1, to-wit: beginning at a point in the western boundary of said town, south of the house now occupied by Henry Crow, and belonging to Eli Crow, at which said boundary would be intersected by a straight line touching at the extreme southeastern corner of said Crow's house and the house now owned and occupied by Geo R. Pryor; thence with said line, touching said houses as aforesaid, to a point fifty yards distant from South cross street; thence east, parallel with said South street, to a point opposite the extreme eastern portion of the house now owned and occupied by John Keiff; thence north to

the center of said South cross street, passing on the eastern side of said house; thence with the center of said South cross street to the point at which said line intersect the center of West street; thence south with the center of said West street to a point opposite the extreme northern end of the house owned and occupied by Dr. Joseph Nave; thence seventy-five west, at right angles with said West street; thence south parallel with said West street to a point in line with the fence between the lots now occupied by Henry Metcalf and Moreau Sparks, said fence being the one situated nearest the said Sparks; thence east with said fence, and in a direct line with the same, to the center of Main street; thence north with said center to the center of said South cross street; thence east with said center to the center of East street; thence north with said center to a point fifty yards distant from the south edge of Main cross street; thence east parallel with said Main cross street to a point opposite the extreme southern portion of the premises now occupied by Thomas B. Crutcher; thence north to the center of said Main cross street; thence west with said center and the center of the pike, which is the western prolongation thereof, to where the same intersects the western boundary of said town; thence south with said boundary to the beginning.

§ 4. The following limits shall be the boundaries of Ward No. 2, to-wit: Beginning at the intersection of Main cross street with East street; thence north with the center of East street to a point opposite the Southern extreme of the lot now owned and occupied by Aaron Smith; thence east at right angles with said East street twenty-five yards; thence north, parallel with said East street, to a point opposite the extreme northern portion of the lot now occupied by Mrs. Pilcher; thence west to the center of said East street; thence north with said center to its intersection with the street leading to the depot; thence west with the center of said street leading to the depot, and in a line prolonged in the same direction as the general bearing of said street to the western limit of said town; thence south with said boundary to the center of the pike, which is the prolongation of Main cross street; thence with said center and the center of said Main cross street to the beginning.

Boundary of
ward No. 2.

§ 5. The following shall constitute the boundaries of Ward No. 3, to-wit: Beginning at the point of beginning in Ward No. 2; thence north with the eastern, and west with the northern boundary of said Ward No. 2 with its meanderings; thence north with the western, east with the northern, and south with the eastern boundary of said

Boundary of
ward No. 3.

1874. town to the center of the prolongation of Main cross street; thence west with said center to the beginning.

Boundary of
ward No. 4.

§ 6. All the remainder of the area embraced within the present limits of said town shall constitute Ward No. 4.

Trustees appor-
tioned.

§ 7. That said wards shall be entitled to and elect respectively the number of trustees hereinafter apportioned to each, to-wit: Ward No. 1, two; Ward No. 2, two; Ward No. 3, one; and Ward No. 4, two.

Qualifications of
trustees.

§ 8. That no person shall be elected to or hold the office of trustee of said town, who has not been a resident of the ward in which he is elected for two years next preceding such election, and who is not a freeholder in said ward.

Vacancy in
board, how filled.

§ 9. That in case of a vacancy occurring in the board of trustees, the same shall be filled as now provided by law, and in the event of a tie in the vote to fill such vacancy, or to fill any other vacancy by said board, the police judge shall give the deciding vote.

Non-residents of
wards may vote
in certain cases.

§ 10. That any person who has owned real property in any ward bona fide, and not purchased for the object of voting, for twelve months before an election, and who has the other qualifications of an elector, and has complied with the law requiring the payment of taxes, &c., may vote therein, although he be not a resident of said ward.

Qualifications of
voters.

§ 11. That no person, except as in last section provided, shall be allowed to vote in any ward, unless he has been a resident thereof for one year next preceding such election, and shall produce satisfactory evidence to the judges of the election that he has paid all town taxes against him previous to the day of said election.

Trustees to or-
ganize and elect
all town officers.

§ 12. That the trustees of said town shall be elected in their respective wards in the manner now provided by law, except as herein otherwise provided; and such trustees shall, as soon as convenient after qualifying, as required by law, after each election, proceed to elect all the officers of said town, to-wit: a police judge, a town attorney, a town marshal, a town treasurer, the clerk of the board of trustees, and the assessor and collector of said town.

When elections
to be held.

§ 13. There shall be an election held for trustees of said town in accordance to the provisions of this amendment on the first Saturday in April, 1874, and on the first Saturday of April of each recurring year thereafter.

Trustees to ap-
point officers of
elections.

§ 14. The board of trustees shall appoint, as now required by law, a judge, a sheriff, and a clerk for each ward before each election, and in the event of any vacancy occurring in any ward in such offices, shall fill the same as now required by law. In the event of any trustee failing or refusing to take the necessary steps to ap-

point in proper time any such officer, or to fill any such vacancy, he shall forfeit to said town one hundred dollars, to be recovered by action of debt. In the event of a failure to hold any election herein provided for, the board of trustees so failing, each member thereof, shall immediately, upon such failure, forfeit the office of trustee, and all acts thereafter done as such shall be null and void. That any three justices of the peace of Jessamine county, at any time after the failure to hold any election herein provided for, may proceed to appoint all necessary officers, and in the case of any vacancy in such appointments to fill the same, and to take all necessary steps, and do all necessary acts for holding such election; and any election so held by them shall be as binding as though the same had been held by the regular board: *Provided*, They conform, as near as may be, with the charter of said town: *And provided further*, That they post at one of the most public places in each ward a notice of the time and fact of holding such election, at least three days before the same is to transpire.

1874.

Upon trustees failing to comply with act, three justices to proceed to hold said election.

Notice to be given.

§ 15 *Be it further enacted*, That all laws and parts of laws in conflict with this amendment are hereby repealed; and that this act shall take effect and be in force from and after its passage.

Approved February 4, 1874.

CHAPTER 192.

AN ACT to incorporate the Ballard County Coal and Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. P. Halliday, E. W. Halliday, and H. L. Halliday, and their associates, successors, and assigns, be, and they are hereby, created a body-politic and corporate, under the name and style of the Ballard Coal and Transportation Company, with perpetual succession, and powers to contract and be contracted with, sue and be sued, in all courts and places; to organize such company by the appointment of a president and such other officers as they may deem necessary; to have a common seal, and to alter the same; to make such by-laws, rules and regulations, as they may deem necessary, from time to time, for the government, management, and prosecuting of the business of said company, mining, coking, buying and selling of coal, and the mining, manufacturing, buy-

Corporators' names.

Name and style.

Corporate powers.

1874. ing, and selling of iron, salt, and lime, on lands now owned or hereafter to be owned or leased by them, and in the transportation of them or any of them to and from home and foreign markets; to hold their meetings within or without the State, and to have all powers and privileges needful for the successful prosecution of their business, and for the execution of the powers herein granted.

May take & hold
real estate &c.

§ 2. The said company may receive, buy, and hold such real estate, mining rights, and rights of way, as may be deemed necessary by them to the successful prosecution of their business.

May build rail-
roads, &c.

§ 3. The said company shall have power to lay out and contract such wagon-ways, plank roads, railroads, and appurtenances thereto, on and from the lands of said company to such points on the Ohio and Mississippi rivers as they may deem proper to transport their property, and improve the landing on said Ohio and Mississippi rivers adjoining their own property by building wharves or piers, and that no road constructed by said company shall exceed ten miles in length.

May build and
operate steam-
boats, &c.

§ 4. That said company may buy, sell, build, own, run, ply, and operate steamboats, tugs, ferry-boats, barges, boats, and other water-craft, and transport persons and property over and along the Ohio and Mississippi rivers to and from any lands or property now owned or hereafter to be owned or leased by said company in Ballard county.

May appoint
agents, &c.

§ 5. That said company may appoint and employ such agents as may be required by them, and define the powers and prescribe the duties of said agents.

Capital stock.

§ 6. The capital stock of said company shall be twenty thousand dollars, with power to increase the same to any sum not exceeding five hundred thousand dollars.

May borrow
money and secure
same by mort-
gage.

§ 7. That it shall be lawful for the president and managers of said company, from time to time, to borrow or obtain on loans such sums of money, and on such terms as they may deem expedient for the use of said company, and to pledge or mortgage all or any part of the estates, improvements, privileges, effects, and assets whatsoever of the said company for the payment of such sums of money so borrowed, at such times as may be agreed upon.

§ 8. That the Legislature hereby reserves the right to alter, change, or amend or abolish this act at pleasure.

§ 9. This act to take effect from its passage.

Approved February 4, 1874.

CHAPTER 193.

1874.

AN ACT to amend an act, entitled "An act to incorporate the Mississippi Valley Life Insurance Company of America," approved February 15th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

That an act, entitled "An act to incorporate the Mississippi Valley Life Insurance Company of America," be, and the same is hereby, amended by adding thereto the following provisions, to-wit :

§ 1. Upon the written application of any three or more of the stockholders of the Mississippi Valley Life Insurance Company of America, addressed to the acting president of said company, the said company shall file a petition in equity in the Louisville chancery court for the settlement of its business, the payment of its debts, and the division of its property and assets among its stockholders. The stockholders and all debtors shall be made plaintiffs or defendants, and shall be brought before the court as in other cases. All pending suits in said court, or suits hereafter filed in said court, to which said company may be a party, shall be consolidated and heard with the suit under this act. Before rendering any decree in said suit, it shall be the duty of the court to cause a publication to be made weekly for at least three months, in some newspaper of general circulation in Kentucky, a notice to the effect that a suit has been filed to settle the business, pay the debts, and divide and distribute the property and assets of said company, and warning all persons, claimants, policy-holders, and creditors to exhibit and file in said suit any claim that they or any of them may have against said company, within twelve months after the date of its first publication. The publication of said notice, as aforesaid, shall be equivalent to and operate as a personal service of process upon all persons holding or interested in the policies, or having any claim whatever against said company; and all persons so notified shall be forever barred, after the twelve months aforesaid, from presenting any claim against said company, unless for good cause shown, or unless such claim shall be created after that time, when, in both cases, such claim may be presented at any time before final decree.

May bring suit to wind up business in Louisville Chancery Court; to consolidate with suits, and give notice thereof in newspaper; pay debts, divide and distribute property and assets.

§ 2. The debtors to said company may at any time, within thirty days after the service of process upon them respectively, pay into court the amounts they may severally owe, without costs; but if they shall fail to do so, it shall be the duty of the court to render judgments against them, as in other cases, severally; and in cases where the debts are secured by mortgages and sales of

Debtors allowed to pay into court, and duty of court for failure to pay.

1874.

Commissioner to
be appointed.

Sales to be made.

Duty and power
of court over as-
sets, &c., of
company defined.

Court to protect
creditors, policy-
holders, &c.

the mortgaged property shall be decreed, the court shall appoint a special commissioner in each case to make such sale, and allow him a reasonable compensation therefor. The commissioners so appointed shall make all sales at the court-house door of the county in which the mortgaged property may be located, after advertisement of not less than ten days, and on such terms as may be ordered by the court.

§ 3. All notes, bonds, mortgages, and other evidences of debt held by said company, or by any person or persons, officer or officers, in which said company may have any interest whatever, shall be filed in said suit, as and when ordered by the court; and the order of the court, accompanied by the receipt of the clerk of said court for the notes, bonds, mortgages, &c., shall discharge such persons or officers from all responsibility for the same.

§ 4. It shall be the duty of the court to make all necessary orders for the protection of all creditors, including policy-holders, whose policies may then be in force, and for the payment of all expenses and costs before distributing any assets of the company among its stockholders; and said court shall decide all matters of controversy between the stockholders, and between any stockholder and the company, appoint attorneys for all non-residents, and guardians *ad litem* for all infants; and by final decree do all things to effect full and complete justice to all parties. No creditor of said company, whose claim has been ascertained and fixed by judgment heretofore rendered, shall be prejudiced or delayed by the provisions of this act, or the proceedings under this act.

§ 5. This act shall take effect from its passage.

Approved February 6, 1874.

CHAPTER 194.

AN ACT to incorporate the Commonwealth Bridge Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators and
style of company.

§ 1. That James H. Wilson, Estill McHenry, Edward F. Winslow, Charles W. Gardiner, Jediah F. Alexander, Thomas S. Casey, James B. Eads, Edwin L. Abbett, B. H. Bristow, C. Shaler Smith, William Faussig, and their successors and assigns, are hereby constituted and declared a body-corporate and politic, to be and remain such forever, under the name and style of the Commonwealth Bridge Company; and by that name and style are hereby invested with all the powers incident to corporations.

§ 2. The said corporation is hereby authorized and empowered, under such regulations as may be established by the Congress of the United States, to locate, construct, maintain, and operate a bridge across the Ohio river, extending from some convenient point within the limits of the county of Henderson; thence to some convenient point on the Indiana side of said river; and the said corporation is hereby invested with all the rights, privileges, and powers necessary for the purpose aforesaid; and is authorized to purchase, receive or condemn and hold as much real estate as may be necessary or convenient for the site of said bridge, its approaches, piers, abutments, toll-houses, and suitable avenues leading to the same; and also such further and other real estate as may be required for any other purpose authorized by this act.

1874.

Powers and duties of corporations defined in erection of the bridge.

§ 3. Said corporation shall have power to construct a railway over said bridge, with as many sets of tracks as may be found convenient, and shall have the right to fix and alter at pleasure the rates of toll for all engines, cars, and property, and for all persons passing over said bridge, whether on foot or horseback or in vehicles of any kind, or in cars propelled by horse or steam power; and for the purpose of collecting said tolls, toll-houses may be erected and maintained at either end of said bridge. The work herein authorized to be constructed shall not be subject to taxation until the completion of said bridge and its approaches; and the president of said company shall, when said bridge is ready for use, make and file in the office of the Auditor for this Commonwealth a sworn statement giving the date of such completion.

Power to construct railway over bridge, fix tolls thereon, erect toll-house, &c., and president to notify Auditor when completed; not taxed till built.

§ 4. Said corporation shall also have full power and authority to connect the line of railway over said bridge by a continuous line of railway, not exceeding two miles in length, in such manner and upon such route and terms as may be deemed most expedient, with any other line of railway whatever, and to maintain, use, operate, and control the said connection when completed, and charge and receive tolls for the use thereof.

May connect line of railway two miles long with bridge, with any other railway.

§ 5. The capital stock of the said corporation shall be two million dollars, to be divided into shares of one hundred dollars each; the manner of subscription, and time of payment to be regulated by the majority of corporators under this act, or of the directors.

Capital stock \$200,000; divided into shares of \$100 each.

§ 6. The said corporation shall have power to borrow money to construct and operate the work above indicated, at such rates of interest, not exceeding the rates now authorized by law, for such times, in such places, and to such amounts, as the directors may deem best, and may execute bonds or other evidences of indebtedness therefor, and secure the payments of the same by

May borrow money, & secure same by mortgage, &c.

1874. mortgage or pledge of the said work hereby authorized to be constructed, or any part thereof, and all the tolls, issues, and franchises thereof; and said corporation is hereby authorized to sell and dispose of the said bonds, or other evidences of indebtedness, upon such terms and discount as may be agreed upon.

Board directors to manage concern, elect officers, make by-laws, &c.

§ 7. The business of said corporation shall be conducted by a board of directors, consisting of not less than five nor more than nine persons. The first nine persons named in the first section of this act shall be directors until their successors shall be elected and qualified; and should any of them decline to serve, the vacancy may be filled by some other persons selected by those serving as directors. The board of directors shall choose one of their number as president, and shall elect a secretary and treasurer, each of whom shall be a stockholder; and may appoint such other officers and agents as may be, from time to time, deemed expedient; said board of directors shall also have power to make all necessary by-laws and regulations, and do and perform all acts necessary to fully carry out the purposes of this act. All the corporate powers of said company shall be vested and exercised by the board of directors.

Annual election of directors to be held.

§ 8. The annual election of said board of directors shall be held at such time and place as may be prescribed in the by-laws; and at such election each stockholder shall have one vote for each share held or owned, and may cast the same in person or by proxy.

May contract with railroads for use of bridge, fix terms, &c., &c.

§ 9. Said corporation shall have the right to contract, at any agreed sum or rate, with any railroad company now existing, or which may hereafter be incorporated, for the annual use of said bridge by the cars or engines, or for the use of said, or any or all railroad companies, upon equal terms railroad company; and any such railroad company is hereby authorized to subscribe for stock, or purchase the bonds issued by said bridge company; and is further authorized to make any and all such guarantees as to the net earnings of said bridge, over cost of operation and be paid, as may be agreed on by the two contracting companies.

May by vote of directors consolidate with other bridge companies, & change name.

§ 10. Said company is hereby authorized, by vote of its directors, to consolidate its franchises and property with those of any other bridge company without this State, whose object is to build a bridge at the same point; and may contract with such company for the purpose of fully uniting the interests of the two companies by consolidation or otherwise; and may change its corporate name by vote of said directors.

§ 11. This act shall be in force from and after its passage.

Approved February 6, 1874.

CHAPTER 195.

1874.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson," approved February 11th, 1867, and the several acts amendatory thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend and reduce into one the several acts in relation to the city of Henderson," approved February 11th, 1867, and the several acts amendatory thereto, be, and the same are hereby, amended as follows:

§ 2. A sinking fund to pay the public or bonded debt of the city of Henderson is hereby created, with the following resources: the revenue derived from the tax on licenses and from all other specific tax; the revenue that is or may be derived from the tax imposed or levied under the act of incorporation of the Evansville, Henderson, and Nashville Railroad Company to pay the principal of the bonds issued to said railroad company, or the act, entitled "An act authorizing the counties, towns, and cities through or near which the Evansville, Henderson, and Nashville Railroad may run, to issue bonds to aid in building said railroad," approved March 9th, 1867; the revenue that is or may be derived from the tax imposed or levied under the act, entitled "An act to organize and establish a system of public schools in the city of Henderson," approved March 15th, 1869, to pay the principal of the bonds issued under said act, and all such other tax or fund which, by any ordinance of the city of Henderson now in force or hereafter to be enacted, has been or may be set apart for that purpose; and the same shall be sacredly devoted to the payment of the bonded or public debt of the city of Henderson, and to no other use or purpose; the revenue derived from the said railroad tax to the payment of the bonds issued to pay for stock in said railroad company; the revenue derived from the said school tax to the payment of the bonds issued under said act.

Sinking fund created to pay off debt of city—tax levied for the purpose, &c.

§ 3. A board of commissioners of said sinking fund is hereby established, to be styled the Board of Commissioners of the Sinking Fund of the City of Henderson. The mayor of the city of Henderson, the president of the Henderson branch of the Farmers' Bank of Kentucky, the president of the Henderson National Bank, the treasurer of the city of Henderson, and their successors, shall, *ex-officio*, together with one person to be appointed annually by the common council of the city of Henderson, constitute the Board of Commissioners of the Sinking Fund of the City of Henderson, and by that name they shall have corporate existence, may sue and be sued, and do and perform all things necessary to execute the duties

Board of commissioners established, and their duties defined.

1874. required and powers given them by law; they may have and use a common-seal; pass rules and by-laws for the government of themselves not inconsistent with the laws of the Commonwealth.

Clerk common council to be secretary of board, & duties defined.

§ 4. The clerk of the common council of the city of Henderson and his successors shall, *ex-officio*, be secretary of said board, and shall keep a faithful record of the proceedings, acts, orders, and doings of said board, which record shall at all times be subject to the inspection of the common council or any committee appointed by them for that purpose.

Mayor to be president of board.

§ 5. The mayor shall be president of said board, and any three of the commissioners shall be competent to compose a board for the transaction of business.

Funds controlled by commissioners, and may sue and recover from defaulters, &c.

§ 6. The funds, estate, income, and resources belonging to or set apart by law or ordinance for the use of the sinking fund, shall be vested in and controlled by the said commissioners, and when injured, withheld, or obstructed, may be sued for and recovered for them, either in their corporate name or in the name of the city of Henderson.

Commissioners to provide for paying off debt, public or bonded, of city, and may invest funds in bank stock, &c., and secure same.

§ 7. It shall be the duty of said commissioners, by the means and income of said fund, to provide for the payment of the public or bonded debt of said city, and they shall for that purpose have power to invest any of the funds in their hands in such bank stock, bonds, or other securities, as they may deem best, or they may loan any of the funds they may at any time have on hand, by taking as security for the payment thereof the bonds of the city of Henderson or the bonds of the county of Henderson, or of the State of Kentucky or of the United States, or upon such other security as they may deem best, or they may deposit in any of the banks of this State, or in any national bank, any of the money of said fund, upon terms which may be agreed upon by the parties; and they shall have power to apply any funds on hand at any time to the extinguishment of the public or bonded debt of said city, by payment or purchase of the bonds of said city: *Provided*, That the railroad and school tax shall be applied to the payment or purchase of the railroad or school bonds as directed in the second section of this act: *And provided further*, That no bond of the city of Henderson shall be purchased or paid by said commissioners at more than the par value thereof, unless all the commissioners concur therein.

Stock books, &c., to be represented by commissioners sinking fund at elections.

§ 8. All stocks, bonds, or other securities in which any of said funds may be invested shall be held as a part of said sinking fund, and any stock in any bank so held by them may be represented and voted, in all meetings or elections, by proxy constituted by the commissioners.

1874.

§ 9. The city treasurer of the city of Henderson shall be the custodian of all money, bonds, notes, and other effects of the sinking fund, and he and his sureties in his bond as city treasurer shall be responsible for the faithful discharge of his duties as such custodian.

Treasurer of city to be custodian of funds — held responsible on bond

§ 10. If any note taken by the commissioners for the loan of money, for the repayment of which any bond may have been pledged, should not be paid at maturity, it shall be the duty of the treasurer, upon publishing notice in one of the newspapers published in the city of Henderson for not less than ten days, to sell to the highest bidder for cash the bonds so pledged, to an amount sufficient to pay the principal and interest of such note, and the costs of advertising. Suit may be instituted on such note for the balance that may remain. Notes by the commissioners for the loan of money under this act shall refer to it, and bind the obligors to comply with its provisions.

Duty of treasurer in relation to funds loaned, &c.

§ 11. The said commissioners shall make a report to the common council, at the first session thereof in June of each year, of the condition of the sinking fund for its preceding year, with such suggestions as they may deem proper as to its application, improvement, and future management, and shall, whenever required, give to the common council information concerning said fund.

Commissioners to report to council condition of funds in June each year.

§ 12. The treasurer of the city of Henderson shall keep an account of the income and expenditures of the sinking fund, so as to exhibit the amount paid into the treasury of the sinking fund, and from what source, and the amount paid out, and for what purpose. All money received by the treasurer of the city of Henderson from the sources herein devoted to the sinking fund shall be placed by him to the credit of the sinking fund. He shall pay no money out of the sinking fund, except upon the warrant of the secretary thereof, and countersigned by the mayor as president thereof. The secretary shall not draw any warrant upon the sinking fund unless authorized and directed so to do by at least a majority of all the commissioners.

Treasurer to keep account of funds received and paid out — orders for money to be signed by secretary, and countersigned by mayor or president commissioners.

§ 13. The commissioners shall, upon the purchase or payment of any of the bonds of the city of Henderson, cancel and register the same in such mode as they shall deem best, and file with the clerk of the common council a certificate thereof.

Bonds to be canceled and registered.

§ 14. If either of the presidents of said banks shall refuse to serve as commissioner of the sinking fund, the common council shall fill the vacancy by appointment.

Vacancy in commissioners sinking fund to be filled by the council.

§ 15. The common council may make such allowance to the city treasurer, for his services as custodian of the effects of the sinking fund, as they may think right, not exceeding two hundred and fifty dollars per year.

Council to make allowance to treasurer for his services.

1874.

Council to provide by contract for public ways and sidewalks, & to look to owners for paying same.

§ 16. The common council shall hereafter have full power to provide in any ordinance for the improvement of any public way or sidewalk, to authorize and require a stipulation in any contract or agreement, for the making of such improvements, that the contractor or person making the improvements shall look to and only upon the owners of the lots fronting on such public way or sidewalk for payment thereof. Said improvements shall be made and done as may be prescribed by ordinance and contract, and at the exclusive cost and expense of the owners of lots fronting on the public way or sidewalk as now provided for by law (except as it is amended by this act), to be equally apportioned by the common council between the owners fronting as aforesaid, in proportion to the number of feet front owned by each person; and the contractor or person making the improvement shall have a lien from the date of his contract upon the property in front of which such improvements are made for the amount thus apportioned, with interest thereon, at the rate of ten per cent. per annum, from the time the said work or improvements shall be approved of and accepted by the common council; and he may enforce his said lien by equitable proceedings as in the enforcement of other liens upon real estate. If, in the enforcement of any such lien, the real estate of any infant be sold, such infant shall have twelve months, after becoming of full age, in which to redeem such property, by paying the amount for which it was sold, and ten per cent. interest per annum thereon from the day of sale; and also paying all taxes which the purchaser may have paid thereon, together with ten per cent. interest per annum on the amount of such taxes.

Council to control improvements to streets, &c.

§ 17. Nothing herein shall be construed as preventing the common council from causing improvements of streets, &c., to be made, and collecting the cost thereof, in the manner now provided for by law.

Lien allowed for improvements to streets, &c.

§ 18. Hereafter when improvements of streets, sidewalks, &c., are made, the city, in case the costs of such improvement is collected as heretofore provided for, or the contractor, in case the costs of such improvement is collected in the manner provided for in the sixteenth section of this act, shall have a lien for the cost of such improvement, interest, &c., upon all the property for one half the depth of the square, running back from the street, sidewalk, or way that is improved; but in the enforcement of such lien, and the collection of such cost, the property abutting on or nearest to the improvement shall be first liable.

§ 19. Hereafter when a street shall have been improved at the cost of the property-owners, all repairs upon the carriage-way, or that part of the street lying between the gutters, shall be made at the cost of the city; but all repairs upon the sidewalk or pavement, upon the curbing and gutters, shall be made at the cost of the property in front of which such repairs are made, and the owners thereof shall be liable for such repairs. It shall be the duty of the owners of property to keep the pavement or sidewalk, curbing, and gutter in front of their property in good repair, and for any failure so to do such owner shall be liable to a fine of not exceeding five dollars for each day that such pavement or sidewalk, curbing, or gutter remains out of repair, such fine to be recovered by warrant in the city court; but before such owner shall be so liable he shall have at least five days' written notice from the street inspector, or other person, to be designated by the common council, designating the portion of sidewalk, pavement, curbing, or gutter that is out of repair. In case such repairs are not made within a reasonable time after such notice, the city shall have the right to cause the same to be made, and collect the cost thereof in the same manner that the cost of construction and reconstruction of streets, &c., are authorized to be collected, except that such costs shall be assessed exclusively against the property in front of which such repairs are made.

1874.

City to pay for certain improvements to streets and parts of streets, &c.

§ 20. The next regular election for officers of the city of Henderson shall be held on the second Monday in February, 1874; and the regular elections thereafter shall be held on the second Monday in August of each year (except that in August, 1874, there shall be no election), instead of the time now fixed by law. The mode of holding said elections, the appointment of officers thereof, shall remain as now provided for. At the election to be held on the second Monday in February, 1874, there shall be elected a mayor, treasurer, marshal, city prosecuting attorney, and two members of the common council from each of the four wards of the city. The term of office of the mayor, treasurer, marshal, city prosecuting attorney, and city clerk now in office, shall expire on the third Monday in February, 1874, or as soon thereafter as their successors are qualified; and their successors to be elected on the second Monday in February, 1874 (except the office of city clerk), shall hold their offices from the third Monday in February, 1874, or the date of their qualification, until the first regular meeting of the common council in September, 1875, and until their successors are qualified; and thereafter the term of office of the mayor, treasurer, marshal, and city prosecuting attorney, shall be two years,

Mode and manner of electing city officers, their duties, responsibilities, &c., defined.

1874.

dating from the first regular meeting of the common council in the month of September next after their election, and until their successors are qualified. The office of city clerk shall be abolished after the third Monday in February, 1874, after which time the duties heretofore performed by the city clerk shall be performed by the council clerk or his deputy; and the fees and perquisites heretofore paid to the city clerk shall be paid to the council clerk. The term of office of the present members of the common council shall expire on the third Monday in February, 1874, or as soon thereafter as their successors are qualified. Their successors to be elected on the second Monday in February, 1874, shall hold their offices as follows: one member from each ward shall hold his office until the first regular meeting of the common council in September, 1875, and one member from each ward shall hold his office until the first regular meeting of the common council in September, 1876, and until their successors are qualified. The two members from each ward shall, within one month after their qualification, determine by lot which shall hold for the short term and which for the long term; and at each general election in each year thereafter there shall be elected one member of the common council from each of the wards of the city, to hold his office for the term of two years from the first regular meeting of the common council in September next after his election, and until their successors are qualified. The present judge of the Henderson city court shall hold his office until the expiration of his present term, and until his successor is qualified; but at the regular election to be held on the second Monday in February, 1874, there shall be elected a judge of the Henderson city court, whose term of office shall be four years after the expiration of the term of the present incumbent; and thereafter the term of said office shall be four years.

Duty of the city court, in trials by jury, for all offenses, &c., defined.

§ 21. All acts or parts of acts now in force authorizing the Henderson city court to empanel a grand jury, or to hold quarterly or semi-annual terms for the trial of pleas of the Commonwealth, are repealed; and the jurisdiction of said court, of any offense which can only be prosecuted by indictment, is abolished. Said court shall have jurisdiction for the trial of all offenses committed within the limits of the city of Henderson, except such as, by the Constitution of the United States and of this State, can be prosecuted only by indictment; and in cases where the right to a trial by jury exists, and is not waived, said court may cause a jury to be summoned for the trial thereof; such jurors shall not be entitled to any compensation. Nothing herein shall be construed as abridging the jurisdiction of any other court. The organization

and jurisdiction of said Henderson city is, in all other respects, unchanged. All indictments now pending and undetermined in said city court shall, together with the original papers and copies of all orders made therein, be transferred by the clerk of said court to the clerk of the Henderson circuit court, and they shall be docketed and tried in the circuit court as other indictments. The clerk of the city court shall retain in his office copies of all such indictments, papers, and orders, and indorse thereon the time of the transfer.

1874.

§ 22. The tax-books shall be made out and delivered to the marshal at the time, and he shall proceed to collect the same in the manner as is now provided for, except as the existing law is by this act amended. On all taxes paid to the marshal, on or before the fifteenth of October next, after he receives said tax-books, he shall allow an abatement or deduction of five per cent.; but on taxes not paid on or before said date there shall be allowed no abatement or deduction; and on all taxes not paid on or before the first of February next, after the marshal receives the tax-books, there shall be added and collected ten per cent., which shall be collected and accounted for in the manner now provided. All acts or parts of acts providing for a division in the time of payment of railroad and school taxes are repealed.

Mode and manner of collecting taxes.

WHEREAS, The city of Henderson is the owner of certain gas-works, by which the city and its inhabitants are supplied with gas, which works have been heretofore and are now under the supervision of the common council; and whereas, it is deemed expedient to transfer the management and control of said works to commissioners to be appointed by the common council; therefore,

§ 23. *Be it further enacted*, That the common council may, if they see proper, appoint three persons, who shall constitute and be known as the Board of Gas Commissioners, who shall hold their office for one year, but be subject to removal at the pleasure of council. All vacancies in said board shall be filled by appointment by the common council. The treasurer of the city of Henderson shall be *ex-officio* treasurer of said board, and the clerk of the common council shall be *ex-officio* secretary of said board; but the said treasurer and clerk shall have no vote or control as members of said board. It shall be the duty of said board of gas commissioners to supervise the management of said gas-works, to provide coal and other material for the manufacture of gas, to regulate the extension of gas mains, &c., the price of gas, and the manner of payment for the same, and all other matters pertaining to the said gas-works and the manufacture and supply of gas; but the common council

Gas commissioner to be appointed—his duties, &c.

1874. may, by ordinance, enlarge or restrict their duties; and they may also prescribe the duties of the treasurer and secretary of the said board. The common council may by ordinance provide for the payment by the city into the treasury of the gas board for all gas consumed in lighting the streets and public buildings belonging to the city, in such manner, and at such rates, as the ordinance may prescribe. Nothing herein is to be construed as in any manner affecting or restricting the right of the council to resume the management and control of said gas-works whenever they think proper; nor as affecting any existing contract between the city and the superintendent of the gas-works or other person.

School district
organized.

§ 24. Hereafter the territory embraced in the boundary described in the first section of the act, entitled "An act to amend and reduce into one the several acts concerning the city of Henderson," approved February 11th, 1867, shall constitute the school district incorporated by the act, entitled "An act to organize and establish a system of public schools in the city of Henderson," approved March 15th, 1869.

Council not to
defray any ex-
pense of school
except out of
funds collected for
that purpose.

§ 25. That hereafter the common council shall not have power to appropriate money out of the treasury of the city of Henderson to defray the expenses of the public school in said city established and conducted under an act, entitled "An act to organize a system of public schools in the city of Henderson," approved March 15th, 1869; but the expenses of said school shall be defrayed out of the fund arising from the tax levied and collected for that purpose.

§ 26. This act shall take effect from its passage.

Approved February 5, 1874.

CHAPTER 196.

AN ACT to amend the charter of the town of Earlington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the original act of the town of Earlington, approved January 31st, 1871, and the amendatory acts thereto, be, and the same are hereby, so amended as to embrace the following additional territory within the boundary of said town, to-wit: On the north beginning at the northeast corner of the present boundary; thence continue northwestwardly in a line with present easterly boundary one thousand three hundred and eighty feet to a planted stone; thence at right angles southwestwardly three thousand two hundred and eighty feet to a planted

stone; thence at right angles southeastwardly one thousand three hundred and eighty feet to the northwest corner of the present boundary; also, on the south, beginning at the southeast corner of the present boundary; thence southeastwardly, and in a line of the present easterly boundary line one thousand three hundred and eighty feet to a planted stone; thence at right angles with the east line southwestwardly three thousand two hundred and eighty feet to a planted stone; thence at right angles northwestwardly one thousand three hundred and eighty feet to the southwest corner of the present boundary.

1874.

§ 2. This act to take effect and be in force from its passage.

Approved February 5, 1874.

CHAPTER 197.

AN ACT to amend an act, entitled "An act to authorize the Logan county court to borrow money to pay off the bonds issued in aid of the Memphis Branch of the Louisville and Nashville Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to authorize the Logan county court to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company," approved January —, 1874, be, and the same is hereby, so amended as to require the interest upon the money borrowed, or bonds issued under the provisions of said act, to be paid semi-annually, instead of annually, as provided therein.

Interest to be paid semi-annually, instead of annually.

§ 2. It shall be lawful for the county judge of said county to agree with the holder of any of the bonds issued in aid of the Memphis Branch of the Louisville and Nashville Railroad Company by the said county of Logan, which may mature and be presented for payment, upon any rate of interest not exceeding eight per centum per annum, and for an extension of time not exceeding twenty years, and indorse the same upon said bonds in writing. Such contract so made and indorsed upon said bonds shall be as valid and binding upon said county as though made when said bonds were issued, or the same appeared in the face thereof.

County judge to provide for extension on bonds maturing, & pay interest on same, &c.

§ 3. This act shall be in force from its passage.

Approved February 5, 1874.

LAWS OF KENTUCKY.

1874.

CHAPTER 198.

AN ACT to authorize the city of Newport, in Campbell county, to issue bonds to the amount of fifteen thousand dollars.

WHEREAS, By an act of the General Assembly of the Commonwealth of Kentucky, approved January 1st, 1852, the city of Newport was authorized and empowered to borrow such sum or sums of money as might be deemed necessary for the purpose of constructing a bridge across Licking river from said city to the city of Covington, and to issue the bonds of said city of Newport therefor, and to pledge the stock of said city for the payment of principal and interest of said bonds; and whereas, the said city, in January, 1854, did, in pursuance thereof, issue bonds of said city to the amount of fifteen thousand dollars, bearing interest at the rate of eight per cent. per annum; and whereas, said bonds have now, by lapse of time, become due and payable,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city of Newport be, and is hereby, authorized and empowered to issue the bonds of said city, not to exceed the sum of fifteen thousand dollars, to be applied to the redemption of the bonds issued in January, 1854, and now due as aforesaid, and to be applied or appropriated to no other purpose whatever. Said bonds to be issued with coupons attached, and to bear interest not to exceed eight per centum per annum, to be paid semi-annually. Said bonds to be numbered in numerical order from one to fifteen, for the sum of one thousand dollars each, payable in January, 1894.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 5, 1874.

CHAPTER 200.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts relating to the charter and amendments thereto of the town of Mt. Sterling."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Poll tax increased.

§ 1. That article eleven of section six of said act be so amended as to read, "and a poll-tax on each qualified voter in said town not exceeding five dollars," instead of "two dollars and fifty cents."

Sinking fund created.

§ 2. That said article eleven of section six of said act be further amended by adding thereto the following, to-wit: that hereafter twenty-five cents on the one hundred

dollars, and the same proportion for a greater or smaller sum, of all tax levied by said board of council, shall be set apart for and be known and designated as the sinking fund of said town. Said fund shall be paid to the treasurer of said town, and shall be applied by him to the payment of the bonded debt of said town, and the interest thereon, as fast as the same accrues. When said bonded debt and interest is paid, then said fund shall be applied to the payment of the other indebtedness of said town; and the treasurer is hereby ordered and directed to pay said other indebtedness in the order in which the same was created, giving the priority to the older debts or claims.

1874.

§ 3. Said board of council shall have the right to appoint a collector of the taxes of said town in place of the marshal, and his duties shall be to collect taxes under the same regulations that now apply to the marshal of said town. The collector, when so appointed, shall give bond, with security, payable to the board of council, which bond shall be approved by said board before he shall enter upon his duties. Said collector shall have the same power to levy and sell for taxes, and coerce the payment of same, that the marshal of said town now has, and under the same conditions and liabilities. The compensation of said collector shall not exceed five per cent. of the gross amount collected by him, and costs now allowed by law to the marshal for similar services. Said collector shall settle with the treasurer of the town every thirty days, and pay over in cash the amount collected, and take his receipt for all amounts paid over to him, showing how much is paid. Any failure to so settle for more than five days after the first day of each month shall forfeit all compensation due him from said town, and shall vacate his office. The police judge of Mt. Sterling is hereby given jurisdiction to try said collector out of term time on warrant issued by him; and if, on said trial, it shall appear that said collector is guilty of a violation of this act, it shall be the duty of said judge to enter a judgment as above directed herein. The board of council shall have the right at any time to demand the tax-books of the marshal, by giving him ten days' notice of such demand, and may appoint a collector, as herein provided, in his stead.

Council may appoint collector of taxes.

Collector to give bond.

Power of collector.

Compensation.

Collector failing to settle monthly to vacate office, & lose compensation.

Upon notice marshal to surrender tax-book.

When taxes to be due.

§ 4. All taxes hereafter levied by the board of council of Mt. Sterling shall be due and payable, at the office of the marshal or collector of taxes, on or before the first day of September of each year. If paid on or before said time, the payer shall be entitled to a deduction of

1874.

five per cent. of the amount paid. If not paid on or before said day, five per cent. damages shall be added, and collected the same as the taxes. If not paid within thirty days after said time, ten per cent. damages shall be added and collected. Said damages are for the benefit of the town, and not the marshal or collector.

Clerk to ascertain
tax belonging to
sinking fund.

§ 5. It shall be the duty of the clerk of the board of council to ascertain and fix in the tax-book the amount of taxes of each tax-payer belonging to the sinking fund.

Officers pro-
hibited from
trading in claims
against town.

§ 6. The marshal, clerk, and treasurer of said town are hereby prohibited from buying, discounting, or dealing in any way in vouchers or claims against said town, under a penalty of ten dollars (\$10) for each offense, conviction to be had on a warrant before the police judge of Mt. Sterling.

Penalty.

Council may tax
dogs.

§ 7. That the board of council of said town may impose a tax on each dog-owner in said town, not exceeding two dollars each, for every dog owned by said party in said town. Said tax shall be levied and collected as follows, viz: Said owner of one or more dogs shall, on or before the 1st day of September of each year, apply to the clerk of said board of council, and on payment to him of the tax upon the number of dogs he then owns, the clerk shall grant him a license for each dog. Said license shall be made of some hard metal, and such as said board of council may direct. Said license shall be attached to the collar of the dog. The marshal is ordered hereby to immediately cause any dog to be killed found running at large in the streets of said town without said license, as herein provided for. The clerk shall be responsible for the number of such licenses placed in his hands. He shall be entitled to ten per cent. of the amount of dog taxes collected by him.

Clerk to grant
dog license.

Marshal to kill
non-licensed
dogs.

Marshal & clerk
to settle quarterly.

§ 8. The marshal and clerk of said town shall settle with the treasurer thereof every three months, to-wit: on the first day of September, December, March, and June; and any failure by them to settle and pay over to said treasurer any amount in their hands for more than five days after the first day of each of said months, shall subject the party so failing to the same penalty herein declared against the collector of tax in article three of this act. When said marshal or clerk settle with said treasurer, they shall take his receipt showing the amount paid him in money.

§ 9. Article seven of this act shall only take effect by ordinance passed by said board of council; and this act shall take effect from and after its passage.

Approved February 5, 1874.

CHAPTER 201.

1874.

AN ACT to repeal an act, entitled "An act to provide for the improvement of the public roads in Butler county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to provide for the improvement of the public roads in Butler county," approved February 2d, 1872, be, and the same is hereby, repealed; and that the general laws applicable to public roads in this State be enforced in said county.

§ 2. This act to take effect from and after its passage.

Approved February 5, 1874.

CHAPTER 202.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Danville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section fifth, article third, of an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Danville," approved March 10th, 1873, be amended so as to read as follows: The board of trustees shall, within the first year after the passage of this act, cause a survey and map to be made of the entire town within the boundary fixed by the present charter, with streets, avenues, lanes, roads, and all other public ways laid out by actual survey, showing the extension thereof to the boundary line, with regular squares, and no person shall lay out land or sell lots upon a plan at variance with said public plan and map, unless the board of trustees, by ordinance, permit the same; and a description thereof shall be recorded in the office of the clerk of the Boyle county court.

Trustees to cause map of town to be made out.

§ 2. That section thirteen of same act be amended to read as follows: He shall receive for his services thirty per cent. of all fines imposed by the police court of the town, and of all forfeitures to the board of trustees: *Provided*, That he shall not receive any portion of any forfeiture or fine until the collecting officer shall have received the same; but should a portion of such fine or forfeiture be collected by the collecting officer; then the attorney shall receive, pro rata, his share of such fraction of the fine or forfeiture.

Fees of town attorney.

§ 3. This act to take effect from and after its passage.

Approved February 5, 1874.

1874.

CHAPTER 203.

AN ACT to authorize the Muldrough's Hill, Campbellsville, and Columbia Turnpike Road Company to borrow money.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Board of directors may borrow money & secure same by mortgage bonds.

§ 1. That the president and directors of the Muldrough's Hill, Campbellsville, and Columbia Turnpike Road Company are hereby authorized to borrow any sum of money, not to exceed twelve thousand dollars, for the purpose of paying off the existing indebtedness of said company, and for repairing said road; and to secure the lender of any money thus borrowed, the said president and directors may issue the bonds of the company and pledge the faith of the same for the payment of said bonds, said bonds to be signed by the president and countersigned by the secretary of the road, with the corporate seal affixed: *Provided*, That no money borrowed or bonds issued under the provisions of this act, shall be for a longer period of time than five years, and at a greater rate of interest than ten per cent. per annum.

§ 2. This act to be in force from its passage.

Approved February 5, 1874.

CHAPTER 204.

AN ACT to incorporate the Maysville District Camp Meeting Association of the Methodist Episcopal Church.

WHEREAS, The ministers and some of the lay members of the Methodist Episcopal Church, of the Maysville District of the Kentucky Annual Conference of said Methodist Episcopal Church, have organized an association, the chief object of which is to hold annually, or oftener, a camp meeting for religious purposes; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

Name and style.

May adopt a constitution and by-laws.

§ 1. That H. C. Northcott, president; William Rugless, vice president; W. B. Barrett, secretary; G. R. Bullock, treasurer; and T. M. Leslie, B. A. Stubbins, H. J. Rainey, D. E. Roberts, J. H. Story, B. D. Hannah, Alfred Harrison, directors; their successors in office and associate members, be, and they are hereby, created a body politic and corporate, under the name and title of the Maysville District Camp Meeting Association of the Methodist Episcopal Church.

§ 2. They shall have power to enact such constitution and by-laws for their regulation as shall not conflict with the Constitution of the State of Kentucky, or with the

Constitution of the United States, or with this act, or with the discipline of the Methodist Episcopal Church.

1874.

§ 3. The association shall have authority, through its board of directors or a majority thereof, to make contracts, sue or be sued in any of the courts of the Commonwealth, hold real estate either by purchase, lease, gift, or devise, and let or sell the same, by deed or otherwise, as a natural person.

Corporate powers.

§ 4. All huxtering, peddling, or selling of goods of any kind from wagons, booths, or other places of temporary sale, shall be unlawful within two miles of the place of any of their camp meetings, at any time during the progress of such meeting, hours of intermission included; and the sale of spirituous or malt liquors, wine or cider, shall be unlawful for or within the distance of five miles from the place of such meetings, in like manner and time. It shall also be unlawful to run any public conveyance for the transportation of passengers to or from their camp grounds on the Sabbath day. For violation of the provisions of this section the penalty shall be, for selling spirituous or malt liquors, wine or cider, a fine of not less than twenty nor more than fifty dollars for each offense, recoverable before any justice of the peace for the county in which the offense was committed, or in the quarterly court thereof; and for violation of any other provision of this section, the penalty shall be a fine of not less than five nor more than twenty dollars, recoverable in like manner.

Huxtering, peddling, &c. made unlawful within two miles of camp grounds.

Made unlawful to sell liquors.

Made unlawful to transport passengers to or from grounds for pay on Sabbath.

Penalties.

§ 5. The board of directors are empowered to adopt such regulations for selling provisions and horse feed to persons attending their meetings, and for keeping a boarding tent or tents within the inclosure, as they may think best; and all traffic within the inclosure not authorized by them shall be unlawful, and the penalties of section four shall apply to this in like manner and extent. They are also empowered to adopt such measures for obtaining order as not contrary to the laws of the Commonwealth, and to appoint as many police officers as they may choose, at their own expense. Such police officers shall give the usual bond before, and be sworn in by, any justice of the peace or other person authorized to administer an oath, and shall exercise the functions of police officers and constables anywhere within five miles of the camp ground during all the time of the camp meeting, or until discharged by the board of directors; and they shall also have authority to remove the person and goods of offenders to a distance beyond the prescribed limits of section four, and detain prisoners for trial, not exceeding thirty-six hours, and convey persons to court for trial. It shall

Board to regulate selling of horse feed and keeping of boarding tents.

May appoint police officers.

Powers and duty of said police.

1874. be lawful for a justice of the peace to open court for the trial of offenders on the camp ground or in its vicinity.

What disposition
to be made of
fines.

§ 6. All fines under this act shall be collected as are other fines under the laws of the Commonwealth, and one half shall go to defray the police expenses of the board of directors, and the other half to the jury fund of the county wherein the case is tried.

Approved February 5, 1874.

CHAPTER 205.

AN ACT to organize and establish a system of public schools in Owingsville, Bath county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

District incor-
porated.

Trustees to be
elected and qual-
ification of voters.

§ 1. That all the territory now embraced by the common school district No. 1, of Bath county, which includes the town of Owingsville, shall be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of five trustees, to be elected annually by the legally qualified white voters, and any white widow who may be entitled to a vote for trustees as prescribed by section first, article seven, of chapter eighteen, of the General Statutes, residing within the limits of said territory as hereafter prescribed.

Name and style.

Corporate
powers.

§ 2. That the persons so elected shall constitute and be styled "The Board of Trustees of the Owingsville Public Schools;" and by that name shall be a body-corporate; and may sue and be sued, contract and be contracted with; buy and sell and convey real and personal estate; and the title of all the property of said common school district shall vest in said board of trustees and their successors forever.

When trustees to
be elected—term
of office, and
powers.

§ 3. That the said board of trustees shall be elected on the first Saturday in July of each year. The officers for holding the first election, and the place for holding the same, shall be fixed by the commissioner for common schools for Bath county. After the first election the board of trustees of said public school shall appoint the officers, and designate the place of holding all subsequent elections; but in case they fail or refuse to discharge said duty, until less than ten days before the holding of said elections, the common school commissioner of said county shall make such appointments, and designate the place for holding such elections.

Trustees to take
oath.

§ 4. Said trustees, before entering upon the discharge of their duties, shall take an oath before some officer authorized to administer oaths to faithfully, honestly, and im-

partially discharge the duties required of them under this act, and the laws of this Commonwealth regulating public schools. 1874.

§ 5. A majority of said trustees shall constitute a quorum for the transaction of business, and they shall hold their office until their successors shall be sworn into office. They shall have power to fill vacancies in their said board until the next regular election. To appoint a secretary, treasurer, assessor, and collector, and to require and take bonds, with approved security, from the same, for the faithful performance by them of their respective duties. To make all by-laws and rules for the government of themselves, their appointees and agents, and for the management, control, and government of the public schools, and for the protection and preservation of the property of said corporation. They shall cause to be kept a journal of all their official acts and proceedings, which shall be open, at all reasonable times, to the inspection of any citizen interested in said schools.

Quorum.

Powers of trustees.

§ 6. That said board of trustees shall appoint all teachers and other persons necessary to carry on said schools, and regulate their salaries and compensation, and may suspend or dismiss any teacher or other appointee whenever they may see fit to do so; but no teacher shall be employed in said school who has not a certificate of qualification from the State or County Board of Examiners for examining teachers for the common schools. They shall prescribe the branches of education to be taught, grade the schools and classes, and prescribe the necessary qualifications for, and mode of examination of, pupils or persons applying for admission into said schools, and also for the punishment, by expulsion or otherwise, of all persons for a violation of the rules of government of said schools.

Board to appoint teachers, fix salaries, &c.

Board to prescribe studies, &c.

§ 7. All white children over six years and under twenty years of age, living within said district, shall have equal right of admission to said schools, free from all charges of admission or tuition; and it is expressly enacted that only white children shall be admitted to said schools.

Qualifications of scholars.

§ 8. That said trustees shall, at the end of each scholastic year, cause to be made out a report, in writing (and have the same published if they see fit), showing the condition and amount of property or funds belonging to said corporation, and such other facts and information regarding the schools as they may deem necessary to publish for the advancement of public education.

Board to make a publish report.

§ 9. No catechism or other form of religious or political belief shall be taught or inculcated in, nor shall any class-books be used or adopted for said schools which shall re-

No religious instructions to be given in school.

1874. flect upon any religious denomination; nor shall any class or schools be so conducted as to interfere with the religious belief of parents or pupils.

Board to levy tax for support of school.

Tax levy to be submitted to people.

Notice to be given of election.

Sheriff of Bath to collect tax.

Sheriff to collect and pay over tax in three months.

Penalty for failing to discharge said duty.

Trustees may buy the stock of Bath Seminary.

§ 10. That the said board of trustees shall have the authority and right to cause to be assessed, levied, and collected an annual tax upon all the property of the white people situate in said territory or district, not exceeding fifty cents upon each one hundred dollars of property, and a capitation tax of not exceeding one dollar upon each white male voter residing in said district. The said tax to be levied and collected for the sole purpose of providing suitable buildings, furniture, teachers, and the other costs and expenses of conducting and carrying on the said schools, as well as the costs of having said tax assessed and collected; but before any such assessment, levy, or collection shall be made, the said trustees shall submit to the legal white voters, and widows allowed to vote under the common school law, residing in said district, the proposition whether or not such levy and collection shall be made, at an election to be held for that purpose, at such time and place in the district as said trustees shall designate, which proposition and election shall be first advertised by them, at least twenty days before the election, by printed notices posted at four or more public places in said district. The proposition by them submitted shall state the amount of taxes to be levied for each year, and the number of years the same shall be levied, not exceeding three years upon one submission; and if a majority of the votes cast at any such election, as above provided, be in the affirmative upon the proposition submitted, the said trustees, in conformity thereto, shall cause an assessment of all the property of white persons situate in said district, subject to taxation for State revenue, and also a list of the white voters residing in said district for capitation tax, to be made for that year, and assess the tax thereon as voted; and they shall place the said assessment and tax lists in the hands of the sheriff of Bath county, whose duty it shall be to collect the same without delay, and for the collection thereof he shall receive the same commission and fees allowed for collecting the county levy. That said sheriff, as collector aforesaid, shall, within three months after said lists are placed in his hands for collection, pay the said taxes to the treasurer of said corporation, or to the order of said board of trustees; and upon his failure to do so he may be proceeded against by said board, in the same manner as by law the county courts compel the payment of county taxes.

§ 11 That said trustees may buy the stock, or any part thereof, of the capital stock of the Bath Seminary, and

shall have the right of voting the same in all elections by 1874.
the stockholders of the Bath Seminary.

§ 12. That the said board of trustees, when elected, shall have all the authority and rights given them by law as trustees of common school district No. 1, of Bath county. They shall make all such enumerations and census returns as may be required by law to the common school commissioner of Bath county, and shall have the right to receive, and appropriate to the schools of said district, the fund or taxes due from the State to the common schools.

Board to have all rights of trustees of common school district No. 1, Bath county.

§ 13. That the said board of trustees shall have the right and power to issue the bonds of said corporation for such amount, not exceeding five thousand dollars, and to run such length of time, and to bear such rate of interest, not exceeding ten per cent. per annum, as they may determine, for the purpose of raising funds for the carrying on of said school: *Provided*, The said board of trustees shall first submit the proposition for the issual of such bonds to a vote of the electors of said district, who are by this act qualified to vote for trustees, in the same manner as required for the submission of a proposition for the levy of a tax; and if a majority of the vote cast at such an election shall be in favor of the proposition submitted, the bonds may be issued in conformity therewith.

Board may issue bonds for school purposes.

Question of issuing bonds to be submitted to people.

§ 14. That said trustees shall not submit to the voters of said district any single proposition oftener than once each year.

§ 15. That this act shall take effect from and after its passage.

Approved February 5, 1874.

CHAPTER 206.

AN ACT for the benefit of the city of Louisville.

WHEREAS, There are large sums of money due by the city of Louisville to the laborers, artisans, officers, and other persons heretofore and at present employed by her in the various departments of her municipal government, and said persons are sadly in need of said money; and whereas, the Legislature has been petitioned by the mayor and general council of said city to pass an act funding said indebtedness, and thereby to provide for the prompt payment of said debts, because the revenues of the last fiscal year were insufficient to discharge the same; and whereas, the sinking fund commissioners of said city express themselves through the mayor of said city that the provisions of the bill hereinafter set forth are sufficient to pay off the principal and interest of the said bonds mentioned; therefore,

1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Council may issue bonds to pay off old liabilities.

§ 1. That for the purpose of paying off and discharging the old liabilities of the city of Louisville now existing, and not otherwise provided for, the general council of said city may, by ordinance, cause to be issued the bonds of said city, not to exceed the sum of four hundred thousand dollars in amount; said bonds shall be made payable not exceeding twenty years from the date of their issue, and at such place as shall be designated in the ordinance authorizing their issue, to be of the denominations of one thousand dollars each, and to bear interest not to exceed seven per cent. per annum, payable semi-annually, and for the payment of which interest coupons may be attached to said bonds. The said bonds shall be signed by the mayor of said city, under the corporate seal, and countersigned by the auditor of said city. The auditor shall also sign each of the said coupons thereto attached. Both principal and interest of the bonds herein authorized to be issued shall be a charge on the sinking fund of said city.

Denomination of bonds, and rate of interest.

Mayor & Auditor to sign bonds and coupons.

May use one hundred of old bonds already authorized to be issued.

§ 2. For the purpose mentioned in the first section hereof, the general council of said city is hereby authorized to use one hundred of the six hundred city bonds issued under authority granted in the eighth section of an act, entitled "An act to amend the charter of the city of Louisville," approved February 20th, 1873.

§ 3. This act shall take effect from and after its passage.

Approved February 6, 1874.

CHAPTER 207.

AN ACT to amend an act, entitled "An act to incorporate the Beargrass Transportation Company," approved January 25, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Authority to sell franchises to any one, and purchasers vested with same powers as company.

§ 1. That an act, entitled "An act to incorporate the Beargrass Transportation Company," approved January 25, 1868, be, and the same is hereby, so amended as that it shall be lawful for said company to sell and convey its property, rights, and franchises to any person or persons, or any incorporated road company of this State, upon such terms as a majority in value of the stockholders may determine: *Provided*, Such sale shall be made at public vendue, and notice of time and place of sale shall be published in two of the daily newspapers of the city of Louisville for not less than thirty consecutive days before

the time of sale. And when such sale is consummated the purchaser or purchasers shall become vested with all the property, rights, and franchises possessed by said company, and be bound by all its contracts and obligations. 1874.

§ 2. After the completion of such sale the purchaser or purchasers may issue, hold, or sell certificates of capital stock of one hundred dollars each, to the extent of the price paid therefor; and upon such stock said purchaser or purchasers may reorganize by the election of officers, as required in the original and amended charter, and thereafter be governed thereby in all respects.

May issue stock and reorganize, & elect officers, &c.

§ 3. The name of said corporation, from and after the acceptance of this amendment by the stockholders, shall be the Beargrass Railway Company, and in that name and style shall possess all the rights, privileges, franchises, and immunities conferred by the original charter and amendments thereto.

Name of company changed to Beargrass Railway Company.

§ 4. This act shall take effect from its passage.

Approved February 6, 1874.

CHAPTER 208.

AN ACT to incorporate the town of St. Charles, in Hopkins county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following boundary of land situated in the county of Hopkins, to-wit: Beginning at a planted stone at the southwest corner of a small tract of land conveyed by J. I. D. Woodruff to the Saint Bernard Coal Company, near the Elizabethtown and Paducah Railroad, running thence north four thousand feet to a planted stone; thence east three thousand feet to a planted stone; thence south forty two hundred feet to a planted stone; thence west three thousand feet to a planted stone; thence north two hundred feet to the beginning, be, and the same is hereby, incorporated as the "Town of St. Charles;" and said town is established by that name and with corporate limits aforesaid. Manning M. Kimmel, George Robinson, James R. Rash, I. A. B. Ratcliffe, and Michael McDonald are hereby appointed trustees for said town, who shall hold their offices until the first Monday in June, 1875, and until their successors are elected and qualified. It shall be the duty of said trustees to give notice, in writing, by posting the same in three public places in said town for ten days next previous to the first Monday in June, 1875, at which time an election shall be held in said town for the election of five trustees, and on the said first Monday in June of each succeeding year. The

Boundary of town, and trustees appointed till June, 1875, & until successors are elected and qualified.

1874.

Qualification of voters defined, & mode of conducting election.

bona fide male citizens of said town, who have resided within the limits thereof for sixty days next preceding the day of election, and who have paid all their taxes and fines due to said town, shall vote, and only such shall vote, for five trustees, to serve for one year from said election, and until their successors are elected and qualified. The five persons voted for at such election having the largest number of votes shall be declared duly elected. The trustees of said town shall appoint a clerk and two judges to hold said election. They shall first be sworn to faithfully hold said election, and certify the same to the trustees, who shall file the poll-books and certificates of qualification in their office, and the same shall be kept and preserved by the board of trustees, from year to year, as a part of their records. Each trustee shall, before he enters upon the duties of his office, take an oath to faithfully and impartially execute his duties as trustee of said town; a majority of whom shall constitute a quorum to do business.

Trustees body-corporate and politic, may sue and be sued, &c.

§ 2. The board of trustees of the town of St. Charles shall be a body-corporate and politic, and shall be known and designated by the corporate name of the Trustees of the Town of St. Charles; and by that name may sue and be sued; and have all the rights and privileges necessary to consummate the purposes of their appointment.

Trustees to elect president board, and to officiate as police judge in his absence.

§ 3. The trustees of said town shall elect one of their number president of the board of trustees; he shall preside at all their meetings, and vote only when there is a tie vote between the others; he shall sign all the orders and proceedings of the board; and until the police judge herein provided for is elected and qualified, and when there is a vacancy in the office of police judge, or when he cannot properly preside, said president of the board of trustees shall have and exercise all the powers and duties of a judicial officer conferred by this act on the police judge; and all the decisions of said president of the board of trustees shall be binding, and have the same effect as if rendered by the police judge.

Clerk of board to be appointed, and his duties.

§ 4. Said trustees shall appoint a clerk of the board of trustees, who shall be sworn before he enters upon the discharge of his duties, and receive for his services such compensation as the board may allow; and he shall be a keeper of the records and papers of the board of trustees, and subject to removal at any time by the board.

By-laws to be passed, vacancies to be filled in office of trustees, &c.

§ 5. The trustees are empowered to pass such by-laws as may, in their judgment, be necessary for the good government; and well being of said town, and not in conflict with the Constitution and laws of the United States and State of Kentucky, and to fill all vacancies that may occur until the next general election; to levy a poll-tax

upon each male citizen of said town who has resided therein for sixty days, of any sum not exceeding two dollars, and an ad valorem tax upon each one hundred dollars' worth of property within said town, and which is subject to taxation for State purposes, annually, any sum not exceeding thirty-five cents, to be applied to the purposes of repairing the streets and alleys and for the improvement of said town; and all fines and forfeitures for the violation of the laws and ordinances of said town shall be collected and paid over to the treasurer of said town, to be used by the board of trustees for the improvement of said town. The clerk of the board of trustees shall each year, between the first day of April and first of May, list the taxable property and tithes in said town, and make out a full list thereof in a book, and return the same to the trustees, and they shall have the same filed and preserved as a part of the records of the town. The clerk shall have power to swear each party assessed; and if any party is aggrieved by the assessment, either as to the valuation of his property or as to being listed for poll-tax, or on any other account, such person may, at any time after such assessment and before the first day of August, apply to such board of trustees and make complaint and have the judgment of the trustees upon it. If the trustees sustain the complaint, in whole or in part, the list shall be corrected accordingly; if the complaint shall be overruled, a record of that fact shall be made.

§ 6. There shall be a full and complete record kept by the board of trustees of all their acts, and the same shall be open and subject to the inspection of any citizen of said town under all reasonable requests, and the clerk of the board shall deliver to any one demanding the same a certified copy of any order or paper or record in his office, and the same shall be attested by the clerk; said clerk shall be allowed for such service the same fees as is now allowed by law to county court clerks for like service.

§ 7. After the first day of June of each year, the board of trustees shall fix the rate of poll and ad valorem tax to be collected for that year, and place the same on the records of the board. The clerk shall, thereupon, make out a list of the taxes against each person, and the amount of estate upon which it is founded, and shall deliver it to the marshal of said town and take his receipt therefor, and file it with the records of said board. It shall be the duty of said marshal to collect the same, and he is hereby vested with full power and authority to do so by levy and distraint, and to the same extent that sheriffs have and are vested with to collect the State revenue, and pay it over to the treasurer of said board on or before the first day of November thereafter; and for failing to do so,

1874.

Tax to be levied for repairs on streets and alleys; fines assessed; mode and form of assessing property.

Record of all matters connected with town to be kept by clerk.

Trustees to fix rate of poll and ad valorem tax, to be collected yearly—duty of police judge and marshal in relation thereto.

1874.

said treasurer may, in the name of the board of trustees of said town, institute a motion against said marshal and his securities in the Hopkins circuit or quarterly court, or before a justice of the peace or the police judge of said town, or any court having jurisdiction of the amount claimed, and recover judgment for the amount due, and ten per cent. damages thereon besides cost, and may collect the same by execution without the right of replevy: *Provided, however,* That no judgment shall be rendered against any of said defendants without a written notice of at least ten days: *And provided further,* That if the marshal shall, between the first day of November and the first day of December, make out and swear to a list of said taxes uncollected, and that he has made diligent search for the property of the delinquent, and failed to find any that he has applied to said delinquent, if residing in said town, and demanded payment, and if he does not know of any property of the delinquent out of which to make the taxes, he shall be relieved from liability to that extent on his receipt. The clerk of said board may, from time to time, relist and hand over to the marshal the delinquent list, and he and his sureties shall, in like manner, be held responsible for the amount collected.

Treasurer to be appointed; to give bond.

§ 8. The board of trustees shall appoint a treasurer of their board, who shall execute a bond, with good security, to be approved by said board, conditioned that the treasurer shall faithfully perform all his duties as such, and pay over all the money that shall come to his hands as treasurer as the board of trustees shall order and direct; and for a violation of any of the provisions of said bond, the board of trustees, or any one else injured thereby, may have and maintain an action against said marshal and his securities in any court having jurisdiction of the amount claimed.

Trustees to appoint first marshal.

§ 9. The board of trustees may, until the election in June, 1875, appoint a marshal for said town, whose appointment shall be entered of record, and upon a certified copy thereof being produced to the clerk of the Hopkins county court he shall, at a regular or special term of said court, administer to said marshal the same oaths taken by constables, and that he will faithfully perform all the duties of marshal of said town according to law; and said marshal shall execute bond, with good security, in said court, as constables are required to do before entering upon the duties of their office, with the further covenant that he will perform all the duties of marshal of said town according to law; the bond shall be attested by the clerk, approved by the court, and filed among the records of his office. The marshal shall pay the clerk for his fees one dollar. The marshal and his securities

Bond to be given; liability of marshal and his duties.

on his bond shall be liable thereon to the trustees of said town, and to any and every person as constables and their securities are liable on their bonds; and the like penalties, actions, and recoveries may be had thereon. The marshal appointed by the board of trustees shall not hold his office longer than the election and qualification of his successor on the said first Monday in June, 1875; and the marshal of said town shall have the same powers, authorities, and jurisdiction that is given to constables, and shall be under the same responsibility and liabilities for illegal levy and distraint or other malfeasance, misfeasance, or nonfeasance in office. On the first Monday in June, 1875, at the same time trustees for said town are elected as aforesaid, there shall be by the same voters elected a marshal for said town, and on the same day in every year thereafter, who shall hold his office, after being qualified and giving bond as aforesaid, till the next regular election, and until his successor is chosen and qualified. He shall be entitled to be qualified, and to execute bond as aforesaid in the Hopkins county court, upon the production of a certificate from the clerk of the board of trustees showing his election; and upon his being qualified and giving bond he shall have the same powers, and be under the same liabilities as hereinbefore enumerated and set out for the marshal to be appointed.

§ 10. The marshal shall have and receive the same fees and commissions for his services in executing process, and performing official duties, that are allowed by law to constables; and for collecting taxes in said town he shall and receive such commission and compensation as the board of trustees may allow. It shall be the special duty of said marshal to execute all process issued for an alleged violation of the by-laws and ordinances of said town, and to receive executions and other process in favor of said trustees, and serve and account for the same as constables are required to account for warrants, executions, and other process put into their hands.

Marshal's compensation; and to execute all process in town.

§ 11. At and after the first election all the officers to be chosen shall have resided in said town for at least sixty days next before the election, and shall be twenty-one years of age.

Officers elected to reside in town 60 days before election.

§ 12. The trustees of said town shall have power to grant one or more coffee-house license to bona fide housekeepers of said town, which license shall run for one year, be signed by the president and clerk of the board; but before any such license shall be granted, the applicant therefor shall pay to the clerk of the Hopkins county court the State tax thereon, and produce to the trustees the clerk's receipt for same, and shall also pay to the treasurer of said board any sum to be fixed by the board,

Trustees authorized to grant coffee-house license for one year, and amount fixed—to execute bond, &c.

1874.

not less than one hundred dollars, for the benefit of the town. The applicant shall, before the clerk of the Hopkins county court, take the necessary oaths required of persons before selling liquors, and shall execute a covenant, with good security, before said clerk, to the Commonwealth of Kentucky, to be approved by the county court of said county, conditioned to keep and conduct said coffee-house in such manner and under such restrictions as may be prescribed by said trustees and the by-laws of said town. The bond shall remain in said clerk's office, and the applicant shall pay the clerk one dollar for taking the bond, administering the oath, and making the orders. The trustees of said town shall at all times have power to suppress said license for good cause, and thereafter the applicant shall not operate under the same without special permit from said board. The keeper of said coffee-house shall be subject to indictment and to be fined for keeping a tippling-house, if he shall in any way or manner violate his bond; and upon the trial of any such indictment, the license herein provided for shall be no defense, if it shall be shown that he has in any particular violated his bond.

Unlawful to sell
liquors without
first obtaining
license, &c.

§ 13. It shall be unlawful for any person to sell, by retail, any spirituous, malt, or vinous liquors within the limits of said town, without first having obtained a license so to do from the board of trustees of said town; and before any such license shall be issued, the applicant, if he be a tavern-keeper, shall pay to the treasurer of said town a sum of money not less than seventy-five dollars; and if he be a merchant or other person, he shall pay to said treasurer a sum to be fixed by the board of trustees, which amounts shall be in addition to the amounts now required to be paid to the State. All license issued by said board shall run for one year only.

Plat of town to
be made out, and
recorded in coun-
ty court.

§ 14. The board of trustees shall cause a well-defined plat of said town to be made out, and it, together with the boundary of said town, shall be recorded by the clerk of the Hopkins county court at the expense of the trustees.

Police judge to
be elected once
in four years after
June, 1875.

§ 15. On the said first Monday in June, 1875, at the same time and place that trustees and marshal are to be elected, there shall be elected by the same voters of said town a police judge, who shall hold his office for four years, and until his successor is commissioned and qualified; and on the first Monday in June, every fourth year thereafter, the voters of said town shall elect a police judge, with like qualifications required above; the clerk of the board of trustees shall give a certificate to the person receiving the highest number of votes for police judge, and upon the presentation of the same to the Gov-

ernor of Kentucky he shall issue a commission to said officer. He shall, by virtue of his office, be a conservator of the peace, and shall, before he enters upon the discharge of his duties, be commissioned and sworn to faithfully and impartially execute all the duties of police judge of said town, and such other oaths as are administered to justices of the peace. He shall have the same powers, authorities, and jurisdiction of justices of the peace in civil, penal, and criminal causes, and except when there is a vacancy, he shall have exclusive jurisdiction within the limits of said town of all infractions of the by-laws and ordinances of said town, and concurrent with justices of the peace of riots and breaches of the peace committed within the limits thereof. He shall have power to administer oaths, render judgments, and issue executions the same as now belongs to justices. He shall also have power to fine for contempt any sum not exceeding five dollars, and imprisonment not exceeding eight hours. He shall also have power to issue compulsory process against parties or witnesses, to issue summons and subpoenas against parties and witnesses in cases pending before him; and he may order a jury to try any case pending before him, at the request of the parties, where the amount in controversy is over ten dollars. He shall order the arrest of any drunken or disorderly person within the limits of said town, and upon such a person being brought before him, he may order him to be confined until he is sober, and he may require a disorderly person to give security to be of good behavior for any period, not exceeding one year; the bond shall be to the Commonwealth of Kentucky, in any reasonable sum, not exceeding one thousand dollars, and he shall keep a book of record of all his acts as judge of said town. When a peace bond shall be violated the trustees of said town may institute proceedings for the breach thereof before any court having jurisdiction of the amount in their corporate capacity, and the fine, if any, assessed, shall be paid over to the treasurer of said town for the benefit of the town. A vacancy in the office of police judge shall be filled by the Governor of Kentucky until the succeeding annual election of trustees, when the voters of said town shall elect a police judge to fill out the unexpired term, whose qualifications shall be the same as required for the first officer herein for said office; the succeeding police judge, so soon as he is commissioned and sworn in, shall be entitled to all the records, books, and papers of his predecessor. No appeal in civil, penal, or criminal causes, where the amount involved, besides interest and costs, does not exceed ten dollars, shall be taken from the

1874.

Governor to commission; his duties defined.

Vacancy how filled; his fees fixed; to hold courts.

1874. decision of said judge. The fees of said judge shall be as follows, to-wit: For a warrant for a riot, affray, or breach of the peace, fifty cents; for a warrant for a breach of any of the by-laws or ordinances of said town, fifty cents; for swearing a jury and presiding at the trial in a penal case, or for trying same without a jury, one dollar; for taking a recognizance, fifty cents; for each subpoena, twenty-five cents; for each judgment, twenty-five cents; and for all other fees, the same as now allowed justices of the peace. He shall have the same power to enforce his judgments and collect his fees as justices now have. He shall hold a quarterly court for the trial of all civil causes pending before him on the first Mondays in March, June, September, and December, and may continue each term, from day to day, until the business is completed; and he may try all penal and criminal causes so soon as brought before him, giving the parties a reasonable time to prepare for trial.

Trustees authorized to compel owners of property to make improvements, on giving notice, &c.

§ 16. The board of trustees shall have power and authority to compel the owners of lots in said town to pave in front of same, the grade and width of the pavement and kind, whether of brick or wood, and the curbing, to be designated by said trustees after reasonable notice posted in a conspicuous place in said town, attested by the clerk of said board; and upon a failure of the owners to pave the same as said trustees may direct, said trustees are empowered and authorized to have said work done at the expense of the owners, and shall have a lien upon the lots in front of which said improvements are made for the costs thereof, which may be enforced by suit in the Hopkins circuit in the name of said trustees in their corporate capacity. They shall also have power to make and adopt a corporate seal, and to change the same at pleasure.

Marshal to coerce payment of taxes.

§ 17. For the non-payment of taxes due to said town upon any real estate, the marshal is hereby vested with power to sell such real estate at the court-house door of said county, for cash, at such time and notice as is required of sheriffs in sales of real estate; and when sold, and not redeemed within two years from the date of sale, by paying over the price bid and ten per cent. per annum thereon, said marshal, or his successor in office, shall convey the same to the purchaser or his assignee.

§ 18. This act shall take effect from and after its passage.

Approved February 6, 1874.

CHAPTER 209.

1874.

AN ACT to amend the charter of the city of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That hereafter a general assessment of property for taxation in said city shall be made once in five years ; but personal property annually. And each year, in the month of February, the additional improvements shall be valued and assessed and added to the valuation of the ground on which they may respectively stand. Said general assessments, as also the annual assessments, shall be made by the city assessor and his deputies ; and the first general assessment shall be made in the year 1874. Upon such general assessment being made, the assessor and his deputies shall deliver their book or books containing said assessment to a board to be selected as follows : the city council shall select four persons, two of them from east of Madison street (of whom one shall be from north of and the other from south of Tenth street), and two from west of Madison street (one being from north of and the other from south of Tenth street), and said four persons shall select a fifth from the city at large, and upon said persons being confirmed by the city council and duly sworn to faithfully perform their duties, they shall be known as the board of taxation. It shall be their duty as such board to examine and carefully and minutely revise the said books so returned by the assessor and his deputies, and they shall inspect the property assessed and see that a proper valuation is placed on all property, and to that end they may alter and amend said books, and in doing so the opinion of a majority of the board shall govern ; they shall act diligently in the performance of said duty, and after they shall have completed their work they shall report said books so revised to the city council at its first regular meeting succeeding ; and the assessment thus made shall stand as to real property for five years. After said books shall have been received by the city council, the duties of the city clerk and city treasurer in regard to the same, and in regard to the collection of the taxes, shall be as now provided for by the city charter ; and the taxes shall be payable from the 1st to the 15th of June and from the 1st to the 15th of December of each year, as now provided : *Provided, however,* That the tax bills of any general or annual assessment, upon being marked "delinquent," shall not be placed in the collector's hands until the 1st of July and 1st of January succeeding the time of payment of the respective duplicates ; and the penalty attaching before said dates of July 1st and January 1st shall only be five per cent., but after said dates

Assessment of property to be made once in five years on real estate ; personalty once a year ; improvements on real estate to be added yearly.

To be made by city assessor and deputies.

Board of taxation to be chosen by council to supervise assessments, &c.

Mode and manner of collecting taxes, &c.

1874.

shall be fifteen per cent.; and said bills, after said dates, shall be turned over to the city collector, nor shall the city council have power to withhold the same from him.

Transfers of real property to be noted by city auditor, and duty of clerk of county court in recording deeds.

§ 2. All transfers of real property in the city shall be noted on the tax duplicate to be kept by the city auditor; and before the county clerk shall record or receive any deed for property in said city for record, he shall require the party desiring the record to obtain the indorsement of the city auditor that the property has been transferred on the tax duplicate.

City may sue to recover taxes, &c.

§ 3. In all cases where the city has heretofore or may hereafter purchase any real property sold for the non-payment of taxes or assessments, it may institute and prosecute proceedings in equity to quiet its title to the same, or to subject the same to the satisfaction of its lien so acquired, or to recover its taxes due thereon.

§ 4. This act shall take effect from its passage.

Approved February 6, 1874.

CHAPTER 210.

AN ACT for the benefit of the city of Frankfort.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County to borrow money on bonds and notes to pay indebtedness; mayor to sign same.

§ 1. That the board of councilmen of the city of Frankfort shall have power to borrow, on the bond or bonds, or note or notes of the city, executed by order of the city council, so much money as may be necessary to extinguish any existing indebtedness of the city, on such time, not exceeding four years, including renewals, and at such interest, not exceeding eight per centum per annum, and at that rate for the time such loan may run, as the parties may agree; and any bond or bonds, note or notes, made necessary by any such loan or renewal executed by the signature and delivery of the mayor and seal of the corporation, shall be lawful and binding on the city.

Present holders of bonds may extend time of payment of same for four years.

§ 2. It shall be lawful for any holder and owner of Frankfort city bonds now outstanding and unpaid, to agree with the board of councilmen of the city of Frankfort for an extension of time for payment after the maturity of any such bond or bonds, for such time, not exceeding four years, as may be evidenced by the written memorandum of the mayor on behalf of the city, and the holder and owner of said bond or bonds indorsed on the back of the same, and at a rate of interest as may be agreed, not exceeding eight per centum per annum, for any time agreed upon within the four years aforesaid; and any such bond or bonds so extended, and any such

agreement so made as to interest thereon, shall be valid until fully complied with and discharged. 1874.

§ 3. This act shall take effect from and after its passage.

Approved February 6, 1874.

CHAPTER 211.

AN ACT for the benefit of James Crow, committee of William Gilbert and Martha Gilbert.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized to draw his warrant in favor of James Crow, committee of William Gilbert and Martha Gilbert, two pauper idiots of Lincoln county, for the sum of forty-eight dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act take effect from its passage.

Approved February 7, 1874.

CHAPTER 212.

AN ACT for the benefit of Mary Blain and Georgia Ann Hays.

WHEREAS, Malvina Blain, of color, of Lincoln county, died intestate, and possessed of a small house and lot in the western suburbs of Stanford, which was conveyed to her by Wm. Craig, by deed of record in the clerk's office of the Lincoln county court; and whereas, she left no heirs entitled to the same, but left a girl, Georgia Ann Hays, whom she had informally adopted, and a daughter-in-law, Mary Blain, to whom she expected to devise her estate, but owing to her sudden death failed to make any disposition of her estate by will; and whereas, no steps have yet been taken to take charge of said estate for the Commonwealth; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That the title, interest, and claim of the Commonwealth in and to said estate of Malvina Blain, deceased, be, and the same is hereby, transferred to said Mary Blain and Georgia Ann Hays, equally and jointly, as fully as though they had purchased the same from the Commonwealth as escheated: *Provided*, That this act shall not prejudice the rights of any person who may hereafter

1874. show himself entitled to said property as heir of said Malvina Blain.

§ 2. This act shall take effect from its passage.

Approved February 7, 1874.

CHAPTER 213.

AN ACT to amend an act authorizing the Lewis county court to levy an additional tax to pay off the debt of said county, and to aid in building turnpike roads in said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Additional tax only to be levied to pay off county debt, and thereafter the tax for turnpikes to be levied by justices.

§ 1. That the additional tax authorized to be levied by an act authorizing the Lewis county court to levy an additional tax to pay off the debt of said county, and to aid in the building of turnpike roads in said county, approved March 25th, 1873, shall not hereafter be levied for any purpose, except to pay off the present indebtedness of Lewis county, until the same shall all have been paid off, after which the Lewis county court, at the court of claims, a majority of the justices concurring, may continue to levy such additional tax, as now provided in said act of March 25th, 1873, for the purpose of aiding in building turnpike roads in said county as now provided by law.

County judge not to issue bonds except to Dry Run and Kinniconick Pike.

§ 2. That the county judge of Lewis county shall not hereafter issue any bonds of the county in aid of any turnpike road or bridge, not begun at the passage of this act, except in aid of the Dry Run and Kinniconick Turnpike Road, or for any other purpose.

County court to assist in building turnpikes to amount of \$1,000 per mile, on certain conditions.

§ 3. The county court of Lewis county shall still have power to assist in building turnpike roads in said county, to the amount of one thousand dollars per mile, as heretofore provided by law, but no part of same shall be paid till one mile of the road is completed, when the county judge shall order the payment of the one thousand dollars to the president or the treasurer of the said road, and so on as each mile is finished till the completion of the whole road.

Turnpike commissioner for county to be appointed, his duties defined, &c.

§ 4 The county judge shall, at the May or June term of the county court in each year, appoint some competent and discreet citizen of the county to the office of turnpike commissioner, whose term of office shall be for one year, and whose duty it shall be to inspect each mile of turnpike road hereafter built in the county in which the county takes stock; and no stock subscribed by the county shall be paid or ordered to be paid by the county judge till said commissioner, under oath, shall have reported to the county court that said road is, in every respect, completed in accordance with the contract of the

party building said road, and in accordance with the requirements of the county court. Said commissioner shall receive, as compensation for his services, a sum not exceeding two dollars per day, for the time actually engaged, to be fixed by the court of claims, and paid out of the county levy.

1874.

§ 5. This act shall take effect from and after its passage.

Approved February 7, 1874.

CHAPTER 214.

AN ACT to repeal an act, entitled "An act to amend the charter of the Bank of New Castle," approved 20th December, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend the charter of the Bank of New Castle," approved 20th December, 1873, be, and the same is hereby, repealed.

§ 2. *Be it further enacted,* That the board of directors of said bank, elected under the original charter on the 5th day of January, 1874, are hereby declared to be the legally elected board of directors for the year 1874.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved February 5, 1874.

CHAPTER 215.

AN ACT to amend an act, entitled "An act to incorporate the Danville Gas-light Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section eight of an act, entitled "An act to incorporate the Danville Gas-light Company," which was approved April the 23d, 1873, be so amended as to read as follows:

§ 1. That when ten thousand dollars in stock shall have been subscribed, they shall advertise the same and call a meeting of the stockholders, giving at least ten days' notice; and the stockholders so called may elect seven directors, who shall be citizens of Danville, and who shall choose a president amongst themselves, to whom, together with the directors, shall be intrusted the real and personal estate, business, property, funds, and financial concerns of said company, and the administration of its affairs;

When corporation may organize.

1874.

Term of office of
directors.

Board may fill
vacancies in their
body.

City of Danville
may subscribe
stock.

they shall serve until their successors are chosen, and after the first election they shall be annually elected on the first Monday in January of each year, of which election notice shall be given for ten days in at least one newspaper published at Danville. The president and directors shall fill all vacancies that may arise in their body from death, resignation, or removal from the city, or the failure to meet their engagements to the company with promptness: *Provided, however,* That the city of Danville shall have the right, upon subscribing ten thousand dollars of stock, to appoint or elect two of the seven directors; and should said city of Danville subscribe fifteen thousand dollars in stock, then to have the right to appoint or elect three out of the seven directors, the residue of said directors to be elected by the individual stockholders. And that section fourteen of said act be so amended as to read as follows:

Question of sub-
scription of stock
to be submitted to
people.

Notice of election
to be given.

May issue bonds
to pay said sub-
scription.

Board may ap-
point collector of
taxes.

Tax receipt to be
taken or stock in
said company.

§ 2. That the city of Danville shall have the right to subscribe any or the whole number of shares in said company, and to pay for the amount so subscribed; but said subscription shall not be made until the question shall have been submitted to the qualified voters of said town and approved by a majority of the votes cast at said election, due notice of which shall have been given by advertisement for at least twenty days in some newspaper published in said town of Danville. If said vote shall be in the affirmative, it shall be the duty of the mayor and city council or board of trustees to subscribe for the number of shares directed at said election; and to pay for the amount so subscribed, the mayor and council or board of trustees shall have the power to issue the bonds of the city, to bear any rate of interest, not to exceed ten per centum per annum; and shall make a separate levy of tax for the liquidation of such issue of bonds and interest as may be determined by said mayor and council or board of trustees, in such manner and on such terms as they may direct, and appoint a collector of said tax, who shall be required to execute bond, with sufficient security, in an amount not less than five thousand dollars, conditioned as may be required by said mayor and council or board of trustees. And said collector shall receipt separately for said tax, when collected, which receipt shall be transferable; and when an amount equal to one or more shares of stock in said Danville Gas-light Company shall be presented at any one time by any one individual, firm, or corporation, it shall be the duty of the mayor and council or board of trustees to transfer to said individual, firm, or corporation, the number of shares represented by the amount in gross of such receipt or receipts at its market value (not below par), and for any excess above

an even number of shares to give a certificate therefor to said individual, firm, or corporation for the amount in excess of the share or shares so transferred, which shall stand in lieu of a receipt for said amount, and to be good when presented with other tax receipts given for such purpose; and this privilege shall continue until the whole amount of shares held by said town have been exhausted and no longer. And if any individual, firm, or corporation shall, at any time before said stock shall have been exhausted, present to said mayor or chairman of board of trustees one of the bonds of said town issued for said stock, and demand stock therefor, it shall be received in like manner as said tax receipts; and all bonds so redeemed shall be canceled by said mayor or chairman of the board of trustees.

1874.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved February 7, 1874.

CHAPTER 216.

AN ACT to empower the county court of Garrard to make additional subscriptions to the Lancaster and Buckeye Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county court of Garrard county be, and they are hereby, empowered and authorized, a majority of the justices of the peace of said county being present and concurring therein, at any regular court, to make an additional subscription of stock to the Lancaster and Buckeye Turnpike Road Company: *Provided*, That said subscription shall not exceed six hundred dollars to each unfinished mile of said road.

County court may take \$600 per mile in stock.

§ 2. That no money subscribed, as provided in the first section of this act, by said county court, shall be paid to said turnpike road company until each mile of the road subscribed for shall have been completed, or until said court shall be fully satisfied in open court that the said turnpike road company are fully able to complete it with the aid of such subscription.

Each mile to be completed before subscription is made.

§ 3. That said county court shall have power, a majority of the justices concurring, to levy an ad valorem tax upon all the taxable property in said county, not exceeding twenty cents on each one hundred dollars' worth of property listed for taxation, to raise a sum sufficient to pay off and discharge the said subscription of stock; and said tax may be imposed yearly until the debt is fully paid.

Court may levy ad valorem tax to pay said subscription.

1874.

Sheriff to collect
said tax under
usual responsi-
bility.

§ 4. The said tax shall be collected by the sheriff of said county in the same manner, and for the same compensation, as is now fixed for collecting the State revenue; and said sheriff shall be responsible on his official bond for all money so collected.

§ 5. This act shall take effect from its passage.

Approved February 7, 1874.

CHAPTER 219.

AN ACT to amend an act, entitled "An act to create a special road law for Pendleton county," approved January 26th, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Office of road
commissioner
abolished.

§ 1. That so much of an act, entitled "An act to create a special road law for Pendleton county," approved January 26th, 1869, be so amended as to repeal so much of said act as provides for and creates the office of road commissioner.

Justices to be
road commis-
sioners in each
district, and to
make report.

§ 2. That in lieu of the office of road commissioner each justice of the peace for said county, by virtue of his office, shall, within their respective magisterial districts, perform all the duties required to be performed by said road commissioner, and report, in writing, how and in what manner they have performed said duties, at the regular court of claims in November of each year for said county; and for a failure to do so as required of said road commissioner in said act, shall be liable to all the pains and penalties denounced against said commissioner, and to be enforced in like manner as is in said act provided for.

Penalty for
failing to dis-
charge duty.

§ 3. It shall be the duty of the clerk of the county court of Pendleton county to make out and deliver to each of the justices of the peace of said county a copy of the poll and tax-books for their respective precincts, showing the amount of tax to be paid by each and every person so living or liable to pay tax in said precinct; and he is allowed not exceeding forty dollars, to be paid as in the original act to which this is an amendment.

County clerk to
make out poll and
tax books for
each district.

Fees of justices.

§ 4. The justices of the peace shall be paid each the sum of two dollars and fifty cents per annum for their services under this act, to be deducted from their road tax, and in no other way.

Overseers to re-
port to justices.

§ 5. It shall be the duty of each overseer to report to the justices of their respective precincts, on or before the first Monday in November of each year, and for a failure to do so they shall each, upon conviction, pay the sum of ten dollars.

§ 6. That the justices shall make out and furnish a list of suitable names for road overseer to the county court, on the first Monday in January every two years, which overseers shall serve for two years, and until their successors are appointed and qualified; and for a failure on the part of the magistrates to comply with section, they shall each, upon conviction, be fined in any sum not exceeding twenty-five dollars

1874.

Justices to recommend overseers to county court.

Term of office of overseers.

§ 7. That it shall be the duty of the county attorney to furnish the justices a list of all new roads established by the county courts at least once a year; and for failure to do so shall be fined, upon conviction, in any sum not exceeding twenty-five dollars: *And provided further*, It is hereby made the imperative duty of the county attorney to settle once a year with the said justices, and report to court of claims.

County attorney to report new road to justices, & to settle once per annum with justices and report.

§ 8. That it shall be the duty of the overseers to list all claims against delinquents with the constables of their respective districts, taking their receipt for same, who shall proceed to collect the same, and pay over to the overseer listing said claims, which sums, when so collected, shall be expended in the purchase of tools for the use of road, or expended in work upon the road where the labor was due from said delinquents.

Overseers to list delinquents with constables, & how fines to be disposed of.

§ 9. That the overseers shall receive not exceeding fifteen cents per hour for time on the road, and in warning and overseeing hands, and this shall be allowed said overseer by the justice when overseer returns his list, which list shall be certified by said overseer under an oath administered by said justice, that the same is correct: *And provided further*, That the justices shall report, at court of claims, all moneys in his hands, and all facts he may deem necessary pertaining to the roads in his districts.

Fees of overseers.

§ 10. Overseers must give their roads at least one general working before the 10th day of June in each year. All male persons over the age of sixteen and under fifty are subject to the provisions of this act.

Road to be worked at least annually — road hands.

§ 11. That overseers shall have the power to straighten or alter roads where the same will conduce to the public welfare, where the parties in interest on both sides of the road agree to the same, which agreement must be in writing, and returned with the other papers to the justice when overseer returns his road list.

Overseers may straighten & alter roads by consent of owners of property.

§ 12. All moneys arising from fines under this act shall be applied to the working of roads in the precincts where such fines are assessed.

How all fines to be disposed of.

§ 13. This act to take effect from its passage.

Approved February 7, 1874.

1874.

CHAPTER 221.

AN ACT in relation to the town of Flemingsburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That an act, entitled "An act to amend the charter of the town of Flemingsburg," approved on the 10th day of February, 1870, be, and the same is hereby, repealed.

Term of office
of town officers.

§ 2. In lieu thereof be it enacted, that the term of office for which all officers of said town, including police judge and town marshal, shall be elected, shall be for one year, or until their successors shall be duly qualified.

When and where
election to be
held.

§ 3. The first election under this act shall be held on the first Monday in August, 1874, and an election shall be held for such officers on the same day every year thereafter, and shall be held at the court-house.

§ 4. The officers of said town now in office shall hold until their successors are elected and qualified under this act.

§ 5. This act shall take effect on and after the first Monday in August next.

Approved February 7, 1874.

CHAPTER 222.

AN ACT to incorporate the town of California, in Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Town incorpo-
rated.

§ 1. That the town of California, in Campbell county, is hereby incorporated, and its municipal affairs shall be vested in three trustees, who shall be elected annually, on the first Saturday in April, by the legally qualified voters of said town. The said trustees, and their successors in office, shall hold their offices for one year; and they shall be a body-politic and corporate, known by the name and style of the "Trustees of the town of California;" and by that name shall be capable of contracting and being contracted with, suing and being sued, and pleading and being impleaded with, in all the courts of this Commonwealth; and before entering upon the discharge of their duties, they shall each take an oath before a justice of the peace that they will faithfully and without partiality to any one discharge their duties as trustees while in office.

Name and style.

Corporate
powers.

When and where
election to be
held, and notice
to be given.

§ 2. The first election for trustees under this act shall take place on the first Saturday in April, 1874, after a written notice set up at two of the most public places in the town of California at least ten days before the elec-

tion; and J. M. Morgan, Wm. Parker, J. Loyd Young, John Harris, and A. W. Tarvin, or any three of them, are hereby authorized to hold said election; and the three persons receiving the highest number of votes shall be declared by said judges to be duly elected trustees. Within sixty days after the first trustees are elected and qualified, they shall proceed, with the assistance of a surveyor, to lay off the corporate limits of said town, which shall not exceed one mile square; and within ten days after it is laid off they shall cause it to be recorded in the clerk's office of the county court clerk's office of Campbell county a complete map of said town. 1874.

Trustees to lay off town, & have map recorded.

§ 3. The said trustees shall select one of their number chairman, who shall preside at their meetings, and have power to convene the board; and they shall have power to levy a tax of not more than one dollar on each poll within its corporate limits, and a tax of not more than twenty-five cents on each one hundred dollars' worth of property in said town subject to taxation; and all forfeitures and taxes collected under the laws of said town shall be paid into the treasury of said town to be used by the trustees for the public good thereof.

Duties & powers of trustees.

§ 4. On the first Monday in August, 1874, and on the same day in every fourth year thereafter, an election may be held in said town to select a police judge; and on the same day that the first election for police judge is held, and on the same day every two years thereafter, an election may be held in said town to select a town marshal; and in addition to the jurisdiction conferred by the general laws, the police judge shall have the same jurisdiction in civil actions and proceedings within the limits of said town that justices of the peace have in districts.

When and how police judge and marshal to be elected, and their powers.

§ 5. Trustees authorized by this act must reside within the town limits; but persons who reside outside the town limits, and own real estate in the town, shall have the right to vote in all elections.

Qualifications of trustees & voters.

§ 6. In all matters not inconsistent with this act, the general law relating to towns in the General Statutes shall apply to the said town of California.

§ 7. This act shall take effect from its passage.

Approved February 7, 1874.

CHAPTER 223.

AN ACT for the benefit of Samuel Biggerstaff, late sheriff of Madison county.

WHEREAS, It appears that Samuel Biggerstaff, late sheriff of Madison county, has settled with the Auditor, and ac-

1874. counted for all taxes which were collectable by him during his term of office as sheriff of Madison county, but paid a part of the amount due from him out of his own means, and has not yet collected all of the taxes that were due and payable during his term of office; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Given two years
to collect uncol-
lected taxes, &c.

§ 1. That the further time of two years is given to Samuel Biggerstaff, late sheriff of Madison county, in which to collect his uncollected taxes, and that he have the right to collect same as now prescribed by law, subject to all legal penalties.

§ 2. This act shall take effect from its passage.

Approved February 7, 1874.

CHAPTER 224.

AN ACT for the benefit of J. M. Barnett, of Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, directed to draw his warrant on the Treasurer in favor of J. M. Barnett, committee for Franklin Barnett, for eighty dollars and fifty-three cents, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved February 7, 1874.

CHAPTER 225.

AN ACT to provide for holding a term of the Carter circuit court for the trial of equity causes and motions triable by the Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Special term for
equity causes es-
tablished.

§ 1. That hereafter a term of the Carter circuit court shall be held for the trial of equity causes and motions triable by the court, commencing on the first Monday in December in each year, and continue nine days at each term, if the business of the court shall require it.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved February 6, 1874.

CHAPTER 226.

1874.

AN ACT to establish an additional justices' district in the county of Harlan

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of establishing an additional justices' district in Harlan county there shall be taken from districts numbers one, five, and six, such parts and portions thereof as shall be included in the following boundary, viz: Beginning at the top of the Pine Mountain opposite the head of Beech fork; thence running on the divide between Wolf branch and Beech fork to the top of the Kentucky Ridge; thence running with the dividing waters between the Beech fork and Laurel to the Clay county line; thence running with the Harlan and Clay county line to the Bell county line; thence running with the Bell and Harlan county line to the top of the Pine Mountain; thence with the top of the Pine Mountain to the beginning.

Boundary of new district.

§ 2. That the territory embraced in the foregoing boundary shall constitute justices' district number eleven in said county.

§ 3. That it shall be the duty of the county judge, at least one month before the first Saturday in May next, to establish one voting place in said district number eleven, and to readjust the lines of districts numbers one, five, and six in such manner as may be made necessary by this act.

County judge to establish voting place.

§ 4. That said district number eleven shall be entitled to elect two justices of the peace and one constable at an election to be held for such officers on the first Saturday in May, 1874, whose offices shall expire on the first Saturday in May, 1875; and said officers shall be elected thereafter as now provided by law.

When justices & constable to be elected.

§ 5. That this act shall take effect from and after its passage.

Approved February 6, 1874.

CHAPTER 227.

AN ACT to amend an act, entitled "An act to establish an additional justices' district in Bath county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish an additional justices' district in Bath county," approved April 21, 1873, be, and the same is, so amended that it shall be the duty of the sheriff to open a poll in district No 7,

Sheriff to hold election for justices in said districts.

1874. known as the "Peeled Oak" district, and also in the district known as the "Polksville" district, in Bath county, on the first Saturday in May, 1874, for the election of an additional justice of the peace in each of said districts, who shall hold their offices till the next regular election on the first Saturday in May, 1875

Present officers
to hold election &
make report to
county court.

§ 2. That it shall be the duty of the present officers of election in said districts, respectively, to hold said election and conduct the same as required by law; and it shall be the duty of the county court clerk to furnish the sheriff a list of said officers of election, and said sheriff shall notify them according to law of their duties under this act at least five days before said election.

How justices and
constables to be
elected hereafter.

§ 3. That on the first Saturday in May, 1875, and on that day every four years thereafter, each of said districts shall elect two justices of the peace; and on that day, and every two years thereafter, each of said districts shall elect one constable.

§ 4. That this act shall take effect from its passage.

Approved February 6, 1874.

CHAPTER 228.

AN ACT for the benefit of Haywood Gilbert, late sheriff of Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed two
years to collect
fee bills, &c.

§ 1. That Haywood Gilbert, late sheriff of Clay county, be allowed two years further time to list and collect his fee bills and tax receipts for the years 1868-'9.

§ 2. This act to take effect from and after its passage.

Approved February 6, 1874.

CHAPTER 229.

AN ACT for the benefit of B. J. Hobbs, an idiot, of Graves county.

WHEREAS, It appears from an examination of the books in the Auditor's office, that B. J. Hobbs, a pauper idiot, of Graves county, from oversight in his committee in not having said idiot examined as required by law, said idiot has not drawn his annual allowance of fifty dollars a year for an interregnum from May 30th, 1872, to June 23d, 1873; and whereas, it appears that said idiot is still living, and is still a pauper; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1874.

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant upon the Treasury, payable out of any money in the Treasury not otherwise appropriated, payable to Charles Hobbs, committee for B. J. Hobbs, a pauper idiot, in Graves county, for the sum of fifty-three dollars and twenty cents, for the benefit of said idiot.

§ 2. This act shall take effect from its passage.

Approved February 6, 1874.

CHAPTER 232.

AN ACT to incorporate the Society of Friends, of Garrard county, and authorize them to issue bonds to purchase a burial ground.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. Miller, Harry Mullins, Harry Hoffman, Allen Sheness, and Robert Henning, and their associates and successors, are hereby created a body-corporate and politic, in and under the name of the Society of Friends of Garrard county, and by such corporate name may sue and be sued in all the courts of this Commonwealth, and may contract and be contracted with, in regard to the objects of the society; have and to use a common seal; and have perpetual succession.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The objects of this society shall be to render aid to the needy members thereof while living, provide for the support and education of the children of deceased members, and provide a decent burial for such members as may die.

Object.

§ 3. That said corporation be authorized and empowered, in order to carry out the provisions of the second section of this act, to purchase and contract for any number of acres of ground in Garrard county, Kentucky, not exceeding ten acres, for the purpose of a cemetery or burial ground, to acquire and possess the title to the same: *Provided*, That the said lands shall not be purchased within the corporate limits of the town of Lancaster.

May purchase lands for burial purposes.

§ 4. The members of this society shall be composed of colored male persons between the ages of eighteen and seventy years.

Qualifications of members.

§ 5. That said Society of Friends may make rules and by-laws regulating the amount of fees to be charged to persons on becoming members of the society, and the amount of monthly dues to be paid to the society by each

May make by-laws, rules, and regulations.

1874. member, as well as the amount per week to be paid by the society to each member in good standing who may be sick for a period of not less than one week's duration ; but the fee for admitting members shall not be more than five dollars, and the monthly dues shall not exceed one dollar per month ; and the amount paid by the society to each sick member shall not be more than five dollars per week.

Benefits, fees, &c.

Terms of admission.

§ 6. Every application for membership shall be voted on at a regular meeting, and the application shall in every case be accompanied by the amount of fee ; and if there be ten votes against receiving the applicant, his application shall be declared rejected, and the money returned to the applicant.

Meetings.

§ 7. This society shall hold their meetings at least once a month, and oftener if they think it expedient.

Officers and their powers & duties.

§ 8. The officers of this society shall consist of a president, vice president, and secretary and treasurer, and such other subordinate officers as the society may think necessary to carry out the provisions of this act, who shall be elected by a majority vote of the members present at the first meeting after the passage of this act, and shall hold their offices for one year, and until their successors shall have been duly elected. All the duties of said officers shall be performed without pay, excepting the secretary, who may receive such pay as may be fixed by the by-laws.

Funds — how applied.

§ 9. All funds paid to the society shall be faithfully applied to the objects herein mentioned, in such manner as the society, from time to time, may determine at its regular meetings. No part of the funds shall be loaned out, but the whole thereof shall be kept constantly on hand for the charitable uses of the society, and for the payment of dues to the sick and funeral expenses.

Treasurer to give bond.

§ 10. The treasurer shall be required to execute good and sufficient bond, as may be required by the society, and shall pay out all money as directed by the president and secretary, they authorizing the payment of money only when directed to do so by a vote of the members present at any regular meeting.

May make by-laws, &c.

§ 11. This society may make such by-laws, rules and regulations, as is not inconsistent with the Constitution and laws of the State.

May issue bonds and secure same by mortgage.

§ 12. This society shall have the power to issue and sell the bonds of the society for any sum not exceeding two thousand dollars, which bonds shall be fifty dollars each, and shall bear interest at not exceeding ten per cent., and be payable five years from date, which bonds shall not be sold for less than par ; and the funds arising from the sale of such bonds shall be used for the same purpose as the

other money of the society; and all the property of said society shall be held in lien for the redemption and payment of said bonds. 1874.

§ 13. This act shall take effect from its passage.

Approved February 9, 1874.

CHAPTER 237.

AN ACT to incorporate the Richmond Gas-light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Wm. M. Irvine, Thomas S. Ellis, Thomas T. Bronston, James T. Shackelford, Thomas Hoffman, J. A. Geary, Wm. Ballard, Stone Walker, Wm. H. Hoffman, and P. M. Wilkerson, and their associates, successors, and assigns, be, and they are hereby, constituted a body, corporate and politic, by the name of the Richmond Gas-light Company; and by that name and style shall have perpetual succession, with power to contract and be contracted with, sue and be sued in that name, in all the courts of law or equity in this Commonwealth; and they may adopt and keep a common seal, which they may alter or change at pleasure.

Corporators' names.

Name and style.

Corporate powers.

§ 2. That the capital stock of said company shall be twenty-five thousand dollars, and each share one hundred dollars; but the capital stock may be increased to the sum of fifty thousand dollars, whenever, in the opinion of the company, as expressed by the board of directors, the business of the company may require such an increase.

Capital stock.

§ 3. It shall be the duty of the persons named in the first section of this act to open books for the subscription of stock, and after the sum of fifteen thousand dollars shall have been subscribed, to call a meeting of the stockholders, first giving public notice for ten days in a newspaper in Richmond of said meeting, who may proceed to elect a president and four directors to govern and direct the affairs of said company. Each director and the president shall be the owner of at least one share of the stock of said company, and each stockholder shall be entitled to one vote for each share he may own in the election of president and directors, who shall hold their office for such times as the stockholders, at the first annual election, may prescribe, and until their successors are elected and qualified. Said election shall be held in Richmond, at such place as may be designated in the notice therefor; and the office of said company shall be in Richmond, Kentucky.

Corporators to take steps to organize corporation.

Term of office of officers.

1874.

Board of directors
to make by-laws,
rules, &c.:

§ 4. The board of directors may prescribe such rules and regulations, not inconsistent with the Constitution and laws of this State and of the United States, and the provisions hereof, as they may deem necessary for the transaction of the business of said company; and may appoint such agents as they may deem proper.

May acquire
property.

§ 5. Said company may purchase, receive, and acquire and hold and use any property of any description which may be necessary for the erection of such machinery, houses, or things as may be required by them to supply the city of Richmond with gas.

May contract
with city of Rich-
mond to supply it
with gas.

§ 6. That said company shall have the power to contract with the city of Richmond for supplying said city with gas upon such terms as may be agreed upon, and the municipal authorities of said city may and are hereby authorized to contract with said company to supply said city with gas-lights, and said company is hereby granted the right to lay down its gas-pipes through the streets and alleys of Richmond, and to erect all necessary build-ings and machinery in such manner as may appear to them necessary to furnish gas-light to any persons, on such terms as the said company and such persons may agree upon.

§ 7. This act shall take effect from its passage.

Approved February 9, 1874.

CHAPTER 238.

AN ACT to amend an act incorporating the town of Upton, in Hardin and Larue counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Owners of land
in said town may
sell and convey
same.

§ 1. That the charter of Upton be so amended that it shall be lawful for persons owning land within the limits of said town boundary to sell such lands at public or private sale, as they may think best, and on such terms as they may deem proper, and pass the title to the same by their deeds of conveyance as real property is conveyed.

Trustees may fill
vacancies in town
offices.

§ 2. That in case of a vacancy in the office of marshal, or warden, or police judge of said town, after the regular election, either by death or resignation, or from any other cause, it shall be lawful for the chairman and board of trustees of said town to fill said vacancy by appointment until the next regular election; and the person or persons so appointed shall take the oath and execute the required bond, and be subject to the same penalties and have the same powers as if he or they had have been elected at a regular election.

Appointed officers
to have same
powers as those
elected.

§ 3. That the board of trustees of said town shall have the exclusive right to license, and provide by ordinance for licensing and taxing and regulating the sale of spirituous, vinous, or malt liquors, or to license saloons, coffee-houses, billiard-saloons, bowling-alleys, auctioneers, peddlers, brokers, gift enterprises, taverns, or vendors of spirituous, vinous, or malt liquors in said town, and shall have the right to tax any show or exhibition exhibiting in said town, or within one half of a mile thereof. That the tax on each vendor of spirituous, malt, or vinous liquor shall not be less than fifty dollars and not more than three hundred dollars per year, nor shall such licenses be granted until the applicant has executed bond, with good security, conditioned as provided by the present laws of this Commonwealth in such cases, and paid the tax required: *Provided, however,* That nothing in this act shall be construed to dispense with the State tax on any person or occupation taxed by the laws of this State: *Provided further,* That no person, by virtue of State license granted him or them, be entitled to sell any article or follow any occupation in said town on which there is a tax, or for which the trustees of said town require a license, without first having paid the required tax to the trustees of said town, and obtained a license from said board of trustees.

1874.

Trustees to regulate and license coffee-houses, billiard-saloons, &c.

May tax shows, &c.

§ 4. That the chairman and two trustees shall constitute a quorum to do business; but a less number may, by an order entered in their journal, compel the attendance of the other trustees at any future meeting; and said chairman and board of trustees may fix the time of their stated meeting, and may change it, from time to time, by an order entered in their journal.

Quorum.

§ 5. That no by-laws passed by the board for the government of said town shall take effect until the same has been copied and posted up in some two or more public places in said town for ten days, and the certificate of the clerk of said board shall be sufficient proof of the posting up of the same as heretofore required.

All by-laws to be posted before going into effect.

§ 6. *Be it further enacted,* That it shall be lawful for the board of trustees of said town to pass any ordinance or by-laws for the government of said town not in conflict with the laws of the State.

§ 7. This act shall take effect from and after its passage.

Approved February 9, 1874.

1874.

CHAPTER 239

AN ACT for the benefit of Geo. L. Petty, assessor of Henry county.

WHEREAS, George L. Petty, assessor of Henry county, having failed to take the oath prescribed by the second section of the act approved March 28, 1872, entitled "An act to amend chapter 83 of the Revised Statutes, title 'Revenue and Taxation,'" the Auditor of Public Accounts did not feel authorized to pay, and did not pay, said Petty for his services for taking the lists of taxable property for said county for the year 1873; and whereas, said Petty having performed said services fully and satisfactorily in all respects, except in not complying with said second section of said act, as represented to this General Assembly, and being assured that he failed of his duty in that regard in consequence of his ignorance of the law; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be authorized to draw his warrant on the Treasurer in favor of Geo. L. Petty, assessor of Henry county, for the amount due and owing him for his services for listing the taxable property, &c., of said county for the year 1873.

§ 2. This act shall be in force and effect from its passage.

Approved February 9, 1874.

CHAPTER 240.

AN ACT to provide for the purchase or erection of a school-house for district No. 43, in Graves county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

People to vote
on tax to erect
school-house and
furnish it.

§ 1. That the trustees of the Mayfield school district, No. 43, in Graves county, are hereby authorized to submit to the qualified white voters of said district the question whether or not they are in favor of an annual district tax on all the taxable property in said district owned by white persons, not to exceed in any one year fifty cents on the one hundred dollars' worth of property, and a poll-tax not exceeding one dollar and fifty cents on each poll, until a sufficient sum is raised to erect and furnish, or purchase and furnish, a school-house sufficient to accommodate all the white children in said district within the school age.

When and how
election to be
held.

§ 2. That the vote shall be taken on the second Saturday in February, 1874, and in the manner prescribed by chapter eighteen, article eight, section one, of the Gen-

eral Statutes (and if a majority of the votes cast at said election are in favor of the tax), it shall be collected and accounted for as provided in chapter eighteen, article two, of the General Statutes.

1874.

§ 3. This act shall take effect from its passage.

Approved February 6, 1874.

CHAPTER 241.

AN ACT to amend an act, entitled "An act to incorporate the Bank of America," approved February 26, 1870.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act aforesaid be amended in this, that the board of directors of the Bank of America be, and they are hereby, authorized and empowered, by and with the consent of a majority in interest of the stockholders of said bank, to liquidate and wind up the business of said bank, and dissolve said corporation.

Bank authorized to liquidate and wind up business.

§ 2. In order to ascertain the sense of said stockholders, the directors as aforesaid may cause a meeting of said stockholders, having first advertised said meeting for at least ten days in one of the newspapers published in the city of Louisville; and at said meeting so called all persons owning stock in said bank may vote, in person or by proxy, for or against said liquidation.

Stockholders, after ten days' notice, to determine as to liquidation.

§ 3. To enable the directors of said bank, in the event the stockholders therein shall so elect to wind up same, are hereby given full authority to purchase any of said stock by paying money therefor, or by receiving same for any debt due said bank, at such time and at prices as shall be agreed.

Directors may purchase stock if they decide to wind up, & mode of payment.

§ 4. That this act shall take effect and be in force from and after its passage.

Approved February 10, 1874.

CHAPTER 242.

AN ACT to amend the charter of the Russellville Banking and Warehouse Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the Russellville Banking and Warehouse Company is hereby changed to that of the Bank of Russellville; and in such name shall hold its assets and transact its business; and shall sue and be sued,

Name changed to Bank of Russellville.

1874.

and answer and defend in suits, either upon claims now existing or which may hereafter arise.

Stock increased
to 2,500 shares.

§ 2. That the board of directors may increase the number of shares of the capital stock from one thousand shares of the par value of one hundred dollars each to the number of two thousand five hundred shares of the par value of one hundred dollars each.

Directors may
exercise discretion
in establishing
warehouse, &
to transact gen-
eral banking busi-
ness.

§ 3. That the board of directors of said corporation may exercise their discretion in establishing a warehouse for the sale of tobacco and other produce. Nothing contained in the original charter shall make it obligatory on said corporation to adopt the warehouse feature therein contained in their banking operations; but they may loan money, discount and purchase and sell bills of exchange, negotiable and commercial notes, either payable at its own or any other bank or place, and when discounted, are put and placed upon the same footing of foreign bills of exchange; it may also receive security for money loaned or debts owing, articles of value, bills of exchange, promissory notes, the bonds or stock of any county, city, district, town, or corporation, and sell the same on the non-payment of the debt or demand, in pursuance of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871.

Bank shall have
prior lien on stock
for liabilities of
bank.

§ 4. That said bank shall have a prior lien on the stock held and owned by its stockholders to secure any indebtedness which may be incurred by said stockholders to said corporation, which said lien shall be inserted in the certificate of stock issued by said corporation.

Minors and
married women
may deposit.

§ 5. That minors and married women may make deposits in said bank, and the check or receipt of such minor or married woman for the sum so deposited, or any part thereof, shall be valid to all intents or purposes as though such minor was an adult or such married woman *feme sole*.

Stock of married
women not liable
for husband's
debts.

§ 6. That any number of shares of capital stock subscribed and paid for by any married woman, out of her separate estate, in said corporation, shall be exempt from liability to the debts or demands of any husband she may have without her written consent.

Stock subscribed
may be forfeited.

§ 7. That said bank is authorized and empowered, in case of the failure or refusal of any stockholders in said bank to pay the amount of stock subscribed, or any part thereof, to coerce said payment by action at law, in the name of said bank; and the board of directors may, in their discretion, instead of coercing payment, by resolution entered upon their record, forfeit any unpaid stock, and recall and cancel the subscription therefor.

Approved February 10, 1874.

CHAPTER 243.

1874.

AN ACT requiring certain legal advertisements in Lewis county to be inserted in the Vanceburg Kentuckian.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all notices of sales of real estate or personal property hereafter made by sheriffs in Lewis county under executions from the circuit court, and all sales made under a judgment of the Lewis circuit court by a commissioner, and all notices of the sittings of the master commissioner for the settlement of the estate of deceased persons, and proceedings under the act of 1856 to distribute the estate of insolvent debtors, are hereby required to be inserted in the "Vanceburg Kentuckian," a newspaper published at Vanceburg, in said county of Lewis. All notices of sales of real estate to be inserted three times previous to the day of sale, and all notices of sales of personal property to be inserted twice previous to the day of sale, and all notices of the sittings of the master commissioner shall be inserted as soon as said commissioner fixes the day of his sittings, and continue up to the time the same takes place, and as often thereafter as said commissioner may deem proper: *Provided*, That no sale shall be held invalid by reason of the failure of the sheriff, or commissioner who makes the sales to make the advertisements herein provided: *And provided further*, That it shall not be any valid objection to report or actings of the master commissioner under the judgment referring any cause to him, on account of his failure to make the advertisement herein required.

Sales made by sheriffs, commissioners, &c., to be advertised; time and mode & manner.

§ 2. The costs of inserting said advertisements shall be collected as part of the costs, in the same manner as other costs are now collected; and the charges for said advertising shall not exceed the usual rates charged for similar advertising.

Costs of advertising to be taxed as costs, &c.

§ 3. In case the publication of said paper, from any cause, should be discontinued, then the requirements of this act, as to the said advertisements being inserted in said paper, shall be of no force, and the passage of this act shall in nowise affect the general laws now in force requiring sales to be advertised.

Publication to cease with paper, if discontinued.

§ 4. This act shall not apply to the sales of personal property, unless the amount to be sold shall amount to the sum of two hundred and fifty dollars or over, which fact may be ascertained by the sheriff having the property appraised.

Advertisements limited to sales of less than \$250.

§ 5. This act to take effect from and after its passage.

Approved February 10, 1874.

1874.

CHAPTER 244.

AN ACT for the benefit of Geo. P. Gillum, sheriff of Logan county.

WHEREAS, On account of his failure to pay into the Treasury the whole amount of the revenue of 1872 to the date by the 1st day of April, 1873, there was assessed upon Geo. P. Gillum, sheriff of Logan county, five per centum damages, amounting to \$448 24, which amount he paid into the Treasury; and whereas, at the August term, 1873, of the Franklin circuit court, the further sum of \$420 81 was adjudged against him and securities for the twenty per cent. damages imposed by law on the balance owing by him (said Gillum), which is still due and unpaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of George P. Gillum, sheriff of Logan county, for the sum of four hundred and forty-eight dollars and twenty-four cents, the amount of five per cent. damages charged against him on account of the revenue of 1872 which he failed to pay by the 1st of April, 1873: *Provided*, That said Gillum shall first satisfy the Auditor, by the sworn statements of himself and deputies, made in open court, that said five per cent. has not been collected from the tax-payer, and that the relief hereby granted shall only apply to all or any part of five per cent. that has not been collected from the tax-payer.

§ 2. That George P. Gillum is hereby released from the payment of the unpaid damages adjudged against him and securities on account of the revenue of Logan county for the year 1872, amounting to four hundred and twenty dollars and eighty-one cents.

§ 3. This act shall be in force and effect from its passage.

Approved February 10, 1874.

CHAPTER 245.

AN ACT to amend an act, entitled "An act to incorporate Madison County Agricultural Association."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate Madison County Agricultural Association," approved February 15th, 1860, be, and the same is, so amended that the president and directors chosen each year shall be authorized,

Board may
charge stockhold-
ers for entrance
and for exhibiting
stock.

in their discretion, to charge the stockholders of said association for passing through the gates and for exhibiting stock at the fairs given by said association: *Provided*, The amount charged stockholders shall not exceed the amount charged other persons, and shall cease so soon as said association shall have paid off its indebtedness.

§ 2. This act shall take effect from its passage.

Approved February 10, 1874.

CHAPTER 246.

AN ACT to amend an act to regulate the time of holding the Nicholas and Mason circuit courts, approved February 7, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act approved February 7, 1873, regulating the time of holding the Nicholas and Mason circuit courts, be, and the same is hereby, so amended that the said Mason circuit court shall hereafter be held twenty-three judicial days instead of twenty-four.

§ 2. This act shall take effect from its passage.

Approved February 10, 1874.

CHAPTER 247.

AN ACT to regulate official advertisements in the county of Henry.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all official sales to be made by the master commissioner of the Henry circuit court, or by any guardian, executor, administrator, or assignee of real or personal property within said county, shall, whenever said property shall exceed in value the sum of four hundred dollars, be advertised in two consecutive numbers of some newspaper published in said county, or if there shall be two or more papers in said county, then in the one with the largest circulation, the cost of such advertising to be paid by the persons authorized to sell said property out of the proceeds of the sale thereof: *Provided*, That not more than twelve dollars for sales of real estate, and six dollars for sales of personal property, shall be paid to the publisher of any newspaper in said county for any such advertisement of any one sale.

Commissioners' sales to be advertised in newspaper.

§ 2. That in all sales to be made by the sheriff of said county of real or personal property of like amount, where the sheriff shall believe it to be for the interest of the de-

Sheriff's sales to be so advertised.

1874. defendant in the execution to make such advertisement, or where he shall be requested to do so by said defendant or his attorneys, then such sheriff's sales shall be advertised as provided in section first of this act, not to exceed the cost therein stated.

§ 3. This act shall take effect from its passage.

Approved February 10, 1874.

CHAPTER 248.

AN ACT to amend an act, entitled "An act to transfer the equity causes from the Hickman circuit court to Hickman court of common pleas," approved March 11th, 1873,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Clerk only to transfer such causes as have not been partly acted on.

§ 1. That so much of the act as is described in the enacting clause of this act, requiring the clerk of the Hickman circuit court to transfer all equity causes from the Hickman circuit court to the Hickman court of common pleas, and further requiring said clerk to copy all orders in undetermined equity causes, and send the same with the papers to the Hickman court of common pleas, shall be so modified and amended, as only to require said circuit clerk of Hickman county to transfer only such equity causes from the Hickman circuit court which have not been partly acted upon by the judge of the Hickman circuit court; and that the said clerk shall only be required to copy such orders in the cause or causes so transferred as had been obtained in the same up to the time of said transfer.

Circuit judge to have jurisdiction only on causes partly tried by him.

§ 2. That the judge of the Hickman circuit court shall have jurisdiction to try and determine all equity causes which by him have been tried in part; but said circuit judge shall have no original jurisdiction in equity causes, which may hereafter be instituted in said county, while the court of common pleas is held in the same; but said suits shall be brought in and tried by the judge of said common pleas court.

§ 3. That all acts or parts of acts in conflict with the provisions of this act are hereby repealed.

§ 4. That this act shall take effect from and after its passage.

Approved February 10, 1874.

CHAPTER 249.

1874.

AN ACT to amend and repeal in part an act, entitled "An act to incorporate the Chestnut Street Presbyterian Church."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said act be so amended that the election of trustees for said church shall be had and held on the second Monday in January, 1876, and on the second Monday in January of each and every two years thereafter.

§ 2. In the election of said trustees each member of said church, and each member of the congregation who is a regular contributor to the support of said church, shall have the right to vote in said election.

§ 3. *Be it further enacted,* That so much of the act to which this is an amendment as provides for the trustees fixing the salary of a pastor of said church, the power for said trustees to make by-laws for the management of the affairs of said church, or to sell or rent the pews, or to assess taxes on said pews, be, and the same is hereby, repealed; and the said congregation of said church is hereby given and vested with full power to make such by-laws, to regulate the affairs of said church and congregation as they may deem proper, not in conflict with the Constitution of the United States and the laws and Constitution of the State of Kentucky; and all laws or parts of laws in conflict with this act are hereby repealed.

§ 4. That this act shall be in full force and effect from and after the passage of the same.

Approved February 11, 1874.

CHAPTER 250.

AN ACT for the benefit of John M. Curry, ex-sheriff of Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John M. Curry, ex-sheriff of Pendleton county, be, and he is, allowed, from and after the passage of this act, the further time of two years within which to collect all uncollected taxes and fee bills due him as late or ex-sheriff aforesaid.

§ 2. It shall be lawful for said John M. Curry, ex-sheriff as aforesaid, to list for collection all of his said uncollected taxes and fee bills with any collecting officer of this Commonwealth; and when such collecting officer shall have received said list of taxes and fee bills, shall have power to distrain for and collect the same in like

1874.

manner and under like penalties as sheriffs are now required by law to collect taxes and fee bills.

§ 3. This act shall not take effect or be in force until the surviving sureties of said John M. Curry, or a sufficient number of them to be approved by the Pendleton county court in writing, give their assent to be held liable for all violations of their said bond by reason of the first and second sections of this act.

Approved February 11, 1874.

CHAPTER 251.

AN ACT for the benefit of the owners of the Mammoth Cave estate.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Augustus S. Nicholson, Lorenzo Sitgreaves, Augustus F. Rodgers, Christopher B. Wyatt, and Jesup Blair, trustees of the Mammoth Cave estate under the will of John Croghan, shall have power to make a lease of said estate, being the Mammoth Cave and a tract of land containing about twenty-four hundred acres surrounding the entrance thereto, in Edmonson county, for any term not exceeding twenty-five years from and after April first, eighteen hundred and seventy-four.

§ 2. No lease authorized by the first section of this act shall be valid unless all the legal and equitable owners of said property who are of age, and the statutory guardians of such as are infants, shall unite therein as lessors.

§ 3. This act shall be in force from and after its passage.

Approved February 11, 1874.

CHAPTER 252.

AN ACT to incorporate the Mammoth Cave Hotel and Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Seward M. Lemont, Enoch H. Payne, and Thomas W. Gibson, are hereby declared, and their successors are declared, to be a corporation, under the corporate name of the "Mammoth Cave Hotel and Railroad Company;" and said corporation is hereby vested with all common law corporate powers, to continue for the term of forty years; and any vacancy in said board of corporators, by death or resignation, shall be filled by election by the remaining corporators.

Corporation to continue 40 years, and mode of filling vacancy in corporators.

§ 2. The business of said corporation shall be conducted by a board of five directors, president, secretary, and treasurer, who shall be elected at such times and places, and in such manner, as may be by the by-laws of said corporation prescribed; and their duties shall, from time to time, be prescribed by the by-laws.

1874.

Officers of corporation, president, secretary, and treasurer — and mode of their election.

§ 3. Until the stockholders of said company shall elect directors, the corporators above named shall serve as such directors, and have all the powers of such directors; and shall, by proper by-laws, by them to be adopted, provide for the subscription and payment of stock, the election of directors and officers, and all other matters pertaining to the conduct and management of the affairs and business of said corporation, which by-laws shall have the same force and effect as if herein enacted.

Corporators to act until directors are elected, and to adopt by-laws.

§ 4. The capital stock of said company shall consist of one thousand shares of one hundred dollars each; but the amount of the same may be at any time increased by the directors to an amount not exceeding five thousand shares, and such increased stock put upon the market in such manner as said directors may order; and all stock in said company is declared to be personal property.

Capital stock \$100,000, but may be increased to \$500,000; stock to be personal property.

§ 5. Said corporation shall have power to construct and operate a railroad from the vicinity of the entrance to the Mammoth Cave, in Edmonson county, to some convenient point upon the line of the Louisville and Nashville Railroad, to be operated by either steam or animal power, and for that purpose may receive releases of the right of way for said road; and when for any reason such releases cannot be obtained, they shall have the power and authority to condemn the necessary right of way by compliance with the provisions of chapter one hundred and ten of the General Statutes relating to turnpike, gravel, and plank roads, so far as the same may apply.

May construct railroad to any point on Nashville railroad.

§ 6. Said corporation, for the transportation of each passenger and his reasonable baggage may from the Louisville and Nashville Railroad to the Mammoth Cave, shall be entitled to charge the sum of one dollar and twenty-five cents, and no more; and a like sum for each passenger carried from the cave to the said Louisville and Nashville Railroad.

May charge \$1 25 for transportation of passengers.

§ 7. Said company may issue bonds bearing interest at a rate not exceeding ten per cent. per annum, secured by mortgage upon any or all of its property, and may sell said bonds in the market for such price as it may agree to receive.

May issue bonds and secure same by mortgage.

§ 8. Said company may buy, hold, and sell all real estate, either in fee-simple or by lease, that may be necessary or convenient for the transaction of its business.

May buy and sell real estate.

1874.

May lease and carry on hotel and amusements for entertainment of visitors, usual at watering-places.

§ 9. Upon the making of any lease of the Mammoth Cave estate, said corporation shall have power to erect and maintain all such buildings as may be necessary or proper to entertain visitors to said cave, and to carry on the business of hotel-keeping at and in the vicinity of said cave, in all its usual branches; and to keep and maintain, for the use of guests, all usual amusements and refreshments commonly kept at watering-places and summer resorts, and not now prohibited by law.

May lay railroad tracks in the cave; but no changes to be made in the natural formation of same.

§ 10. Said corporation may, after the execution of such lease, and with the consent of such lessors embodied therein, lay as many railroad tracks within said cave as they may deem necessary for the accommodation of their guests and visitors, and change and remove the same at pleasure; but no changes are to be made in the natural formation of the cave.

May issue 250 shares of paid-up stock to pay liabilities, either past or prospective.

§ 11. Said corporation may issue as many as two hundred and fifty shares of paid-up stock, to be used in payment of any of the liabilities and undertakings of the corporation, either past or prospective.

May change or alter name of corporation at any time by order on minutes, & to be recorded in Edmonson county court.

§ 12. The board of directors of said company may at any time change or alter the name of said corporation by an order to that effect entered upon their minute-book and recorded in office of the clerk of the Edmonson county court.

§ 13. This act is to be in force from and after its passage.

Approved February 11, 1874.

CHAPTER 253.

AN ACT to incorporate the Odd Fellows' Tabernacle Association of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Names of incorporators — to have perpetual succession under general laws.

§ 1. That Wm. McCready on behalf of Boone Lodge, No. 1; William W. Morris on behalf of Chosen Friend Lodge, No. 2; John W. Bowser on behalf of Loraine Lodge, No. 4; Chas. Bokers on behalf of Herman Lodge, No. 17; J. L. Smyser on behalf of Azur Lodge, No. 25; William Drysdale on behalf of Home Lodge, No. 29; Fred. Koehersperger on behalf of Schiller Lodge, No. 60; George Henry on behalf of Corinthian Lodge, No. 74; Michael Busch on behalf of Louisville Lodge, No. 81; Ed. McCullough on behalf of Portland Lodge, No. 138; John Blais on behalf of Humboldt Lodge, No. 141; Adolph Rammers on behalf of Mozart Lodge, No. 149; A. Forst on behalf of Phœnix Lodge, No. 196; Daniel F. Brandt on behalf of Teutonia Lodge, No. 208; Henry

J. Lewis on behalf of Fall City Lodge, No. 209; Adam Wayland on behalf of Mt. Horeb Encampment, No. 1; Wm. B. Rogers on behalf of Amnon Encampment, No. 11; John B. Sarles on behalf of Wolford Encampment, No. 18; William Shuff on behalf of Neptune Encampment, No. 25; E. H. Kurkamp on behalf of Goethe Encampment, No. 37, all of said Lodge and Encampments of the Independent Order of Odd Fellows; George S. Moore, Wm. White, Wm. H. Goddard, Henry Strube, and Tal. P. Shaffner, all of the city of Louisville, State of Kentucky, be, and are hereby, created a body-corporate, under the name and style of "The Odd Fellows' Tabernacle Association of Louisville;" and they, with their associates and successors, shall so continue and have perpetual succession, with all the authority and power of corporations as hereinafter mentioned, under such general laws of this Commonwealth not in conflict with the tenor and purposes of this act.

1874.

§ 2. The corporation aforesaid is hereby authorized and empowered to purchase and hold lands in fee-simple and by lease, and to erect thereon said tabernacle buildings in the city of Louisville; and the property of this corporation shall be exempt from State and municipal taxes.

Purchase and lease of property to build tabernacle buildings in Louisville.

§ 3. The capital stock of said corporation shall be three hundred thousand dollars (\$300,000), which may be increased to any sum not exceeding five hundred thousand dollars (\$500,000), by the board of directors, with the concurrence of a majority of the shareholders in interest, and shall be divided into shares of twenty-five dollars (\$25) each, and said shares may be issued and transferable in such manner as shall be prescribed by the by-laws of said corporation.

Capital stock \$300,000, & may be increased to \$500,000, into shares of \$25 each

§ 4. That it shall be lawful for the president of the board of directors, and two thirds of the stockholders in interest concurring, to sell and convey any real estate belonging to said corporation; and the signatures of the president and secretary, with the seal of the corporation affixed, shall make such conveyance valid.

President of board & two thirds of stockholders may sell real estate & property.

§ 5. The said corporators, or a majority of them, may open books of subscription and receive subscriptions to the capital stock of said company here incorporated; and when twenty thousand dollars shall be subscribed, and two dollars per share shall be paid thereon, the corporators, or a majority of them, shall meet for organization under this charter, and make such arrangements as they may deem proper for the election of a board of directors.

May open books for subscription to stock, and to organize when \$20,000 is subscribed, and \$2 a share is paid thereon.

§ 6. The business of said corporation shall be under the management of a board of directors, to be annually elected by a majority of the shareholders voting, composing said corporation, and each share shall be entitled

Board of nine directors to be elected; president and vice president to be chosen from directors.

1874.

to one vote; and absent shareholders may vote by proxy at all elections of directors; and the said board of directors shall consist of nine members, and may be decreased or increased, as shall be prescribed by the by-laws of the corporation; and the majority of said board at all times to consist of Odd Fellows in good standing. An election of directors under this act shall take place, after thirty days' notice by publication in one or more of the newspapers published in Louisville, Kentucky, to be issued by the corporators, or by the authority of a majority of them, as defined under section one of this act, provided the sum of twenty thousand dollars (\$20,000) shall have been subscribed, and the first installment of two dollars (\$2) per share shall have been paid thereon; and the said board of directors shall have power to elect such officers, committees, and agents as it may desire; but the president and vice president shall be elected from the board of directors, who shall hold their offices for one year from the date of their elections, and until their successors shall be elected and qualified.

May pass by-laws, provide a direct the general management of its business, &c.

§ 7. The board of directors shall have power to make by-laws, rules and general regulations, for their governments; to make such call on shares of the capital stock of said corporation at such times as they may deem proper, not exceeding ten per cent. each call, and not less than thirty days between calls, and shall have power to allow such premiums for prior or advanced payments on subscriptions as may be deemed equitable: *Provided*, That such premiums shall not exceed in rate ten per centum per annum on said payments; and the said board of directors shall have power to fix and establish conditions, or penalty or forfeiture, for the non-payment of calls on the subscriptions to the capital stock of said corporation.

May borrow money, and provide for its payment.

§ 8. That the board of directors of said "Odd Fellows' Tabernacle Association" is hereby vested with power and authority to borrow money, at any time or times, for constructing the tabernacle by said association, and the purchasing of lands therefor, by issuing promissory notes or bonds of said corporation, payable at such time or times as the said board of directors may direct, and to pay interest thereon, not exceeding ten per centum per annum, at such times and places, and in such manner, as the said board of directors shall deem proper, and in such sums and in such form, and under such conditions, as they may deem advisable, and secure the payment of the same by giving a mortgage or mortgages or lien on the said lands and buildings.

§ 9. This act shall take effect and be in force from and after its passage; and all acts or parts of acts in conflict hereof are hereby repealed, including the act to incor-

porate the "Odd Fellows' Temple Association of Louisville, Kentucky," approved March 21st, 1873, this act being intended as a substitute for the said act of March 21st, 1873.

1874.

Approved February 11, 1874.

CHAPTER 254.

AN ACT to amend an act, entitled "An act to incorporate the Covington, Flemingsburg, and Pound Gap Railway Company," approved March 5th, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Covington, Flemingsburg, and Pound Gap Railway Company," approved March 5th, A. D. 1873, be, and the same is hereby, amended as follows, to-wit: that section (4) four of said act be amended by adding: "said directors shall be annually elected on the first Tuesday in July, and the absent stockholders are hereby authorized to vote their stock at said elections by proxy in writing."

Directors to be
chosen annually
1st July.

§ 2. That in case of vacancies occurring in said board of directors, by reason of death or resignation, the existing directors are hereby authorized to fill said vacancies by appointment, who shall hold their office until the next annual election.

Vacancies in
directors — how
filled.

§ 3. That no stockholder shall be bound for the liabilities of said company beyond the amount of stock he owns or holds in said company.

Stockholders
only liable for
amount sub-
scribed as stock.

§ 4. That section sixteen of said act be amended by adding the following, to-wit: that whenever said railway company shall request the county court of any county through which it is proposed to construct and run said railroad, having vacant and unappropriated lands, to subscribe, absolutely or upon specified conditions, a certain number of acres of the vacant and unappropriated lands of such county as stock in said company, the county court, a majority of the justices, including the county judge, concurring therein, may, in their discretion, order an election to be held at the several voting places in said county, on a day to be fixed by the order of the court, not later than thirty days after making said order, and shall appoint judges and other officers to hold said elections; and if a majority of all the qualified voters of such county, as shown by the Auditor's report for the preceding year, shall vote in favor of making the subscription of such lands as is herein provided for, the county judge of such county shall order and cause the vote to be entered on

County court to
subscribe stock
in money or
lands, justices of
peace concurring;
may order elec-
tion for subscrip-
tion of stock.

1874.

May sell and
convey lands
donated or sub-
scribed, &c., &c.

the records of county court of such county. And the county judge shall further order and cause to be entered upon the records of such county court an order substantially in these words: that when said company shall have built and completed said railroad through any such county, within five years from and after the making of the said last named order, the said company shall then be invested with all the right to title, in fee-simple, to any and all such lands as may have been appropriated and surveyed in the manner now prescribed by law, and as such county may have voted as stock in said company. And said company shall have a deed of conveyance, in fee-simple, signed by the county judge and countersigned by the clerk, which deed shall convey and invest the county's title and interest in the said company to all such lands as such county may have voted as stock in said company; and said company shall have the same right to enforce any contract or agreement, as herein provided, in relation to vacant and unappropriated lands, as any citizen of this State has: *Provided, however,* It is hereby expressly declared and enacted by this General Assembly, that said company is not to have said lands, or any portion of them, belonging to such county, unless it, within five years from after the time herein above specified, shall build and complete said railroad through such county; and in the event of its failure or refusal to do so, all the orders and proceedings of such county are hereby declared to be null and void: *Provided further,* That the proposition to be voted on shall not be submitted to the people of any one county more than twice for their approval or disapproval.

County court
may take stock
in payment of
fees due for
county warrants.

§ 5. That the county court of any county through which it is proposed to construct said railroad may sell and transfer to said company any and all fees due such county for land warrants sold and issued to parties and which remain unpaid, and receive in consideration of such sale and transfer the stock of said company, upon such terms and conditions as may be agreed upon by and between such county and said railroad company: *Provided,* No sale or transfer of fees, as provided in this section, shall be made until the proposition to sell and transfer has been submitted to and approved by a majority of the qualified votes of such county, in the same manner and upon the same terms and conditions as set forth and provided in the fourth section for subscribing vacant and unappropriated lands to the stock of said company: *And provided further,* That no sale or transfer of said fees by any such county shall be effectual to vest the title to same in said company, unless said company shall, within five years from and after the date of said agreement to sell and transfer shall have been made, shall have completed said

road through such county; and no agreement to sell and transfer, as provided in this section, shall take effect unless a majority of the justices of such county, including the county judge, shall concur therein.

1874.

§ 6. That section (45) forty-five of the act to which this is an amendment be, and the same is hereby, amended as follows, viz: that the word "twenty," in the second line from the beginning of said section, be stricken out, and the word "thirty" inserted instead thereof, causing the section to read, thirty years instead of twenty years.

20 stricken out
and 30 inserted
in section 45 of
original charter.

Approved February 11, 1874.

CHAPTER 255.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts,'" approved February 17, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend an act, entitled "An act to amend an act, entitled 'An act to cause good school-houses to be erected in the Eighth and Ninth Congressional Districts,'" approved February 17, 1873, be so amended as that the trustees of the common school districts in the counties of Lawrence and Elliott have the further time until the first day of September, 1874, in which to complete their respective school-houses.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1874.

CHAPTER 256.

AN ACT to incorporate a police municipality in Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the inhabitants of the territory within the following boundary, to-wit: beginning at the intersection of the east line of the corporate boundary of the city of Louisville with the Ohio river; thence up the south bank of said river to the mouth of Big Goose creek; thence southwardly along Big Goose creek to the intersection with the Westport road; thence westwardly along the Westport road to Ormsby's lane; thence southwardly along said lane, crossing the Louisville, Cincinnati, and Lexington Railroad, and continuing with said

Boundary defined of police municipality.

1874.

lane by L. L. Dorsey's place, following the west branch of said lane to the intersection with the Stony or Sinking fork of Beargrass creek; thence westwardly along said Stony or Sinking fork of Beargrass creek to the intersection with the Branch Shelbyville and Louisville Turnpike Road; thence still westwardly along said Branch Shelbyville and Louisville Turnpike Road to Beal's Spring avenue; thence still westwardly along said Beal's Spring avenue to the intersection with Willow street; thence northwardly along Willow street to the intersection with Transit avenue; thence westwardly along Transit avenue to the intersection with East Broadway; thence northwardly along East Broadway to the boundary line of the city of Louisville; thence eastwardly, and along the eastern line of said corporate bounds of the city of Louisville, to the beginning, all lying in said county of Jefferson, are hereby created a corporate body, by the name and style of the Municipality of Beargrass, with the police powers and for the municipal purposes hereinafter designated.

Police commissioners to be elected every two years.

§ 2. The qualified voters within said municipality shall, on the fourth Monday after the approval of this bill, elect three police commissioners, who shall hold their office until the first Monday in August, 1875, and until their successors are elected and qualified. On the first Monday in August, 1875, and on the first Monday in August of every succeeding second year thereafter, said voters of said municipality shall elect three commissioners, who shall hold their office until their successors are elected and qualified.

Mode of electing and payment thereof.

§ 3. The presiding judge of the county court for Jefferson county shall, within one month next preceding the time of holding said elections, designate the place or places for voting, and appoint and qualify the proper officers for holding said elections, which order shall be published three times in two of the daily newspapers of Louisville, and not less than two weeks preceding the time of holding said elections. The judges of election shall return the poll-books to the judge of the county court, who shall count the votes, and decide who has been elected commissioners, and notify them that they have been elected. The officers of said elections shall be paid, out of the fund herein created, the same compensation as like officers receive for like services at State elections.

Judge county court to appoint commissioners when those elected fail to qualify.

§ 4. It shall be the duty of the commissioners to qualify, within five days after such notification, by taking an oath, subscribed by them before the county judge, that they will faithfully discharge the duties imposed by this act; and should the persons, or either of them, so elected and noti-

fied, fail to qualify within the time aforesaid, the judge shall summon him or them, and, if need be, compel his or their appearance, and the commissioners elected shall qualify and perform the duties imposed by this act, unless excused by the consent of the court for cause set out in the order. Should all of the persons elected be excused, then it shall be the duty of the county judge to nominate and qualify three residents of said municipality to act until the next election, and until the persons elected shall qualify. Should any of the persons elected qualify, the judge of the county court shall, with the approval of such as may qualify, fill any and all vacancies in the board of commissioners.

§ 5. It shall be the duty of the assessor of Jefferson county to make an alphabetical list each year of the names of all the male inhabitants of said municipality over the age of twenty-one years, and a list of the real estate in said municipality, specifying to whom each piece of land belongs, and the value thereof, and he shall deliver said lists to the commissioners hereinbefore named by the first day of April in each year; and for his services he shall be paid, out of the fund herein created, the same proportionate amount he would receive from the State for like services.

Duty of assessor of Jefferson county in the district.

§ 6. The commissioners shall, within ten days after the receipt of said lists, assess an annual capitation tax of not less than fifty cents nor more than one dollar per head upon all the male inhabitants of said municipality over twenty-one years of age; and in the event the commissioners find, after making a reasonable allowance for probable delinquencies, that the capitation tax will be insufficient for the expenses of the municipality, they shall assess an annual ad valorem tax upon the owners of the real estate within said municipality of not more than one half of one per cent upon the one hundred dollars.

Duty of commissioners in relation to assessments for taxes to pay expenses of municipality.

§ 7. After the commissioners have made the aforesaid assessment, they shall return the aforesaid lists with a report of their assessment to the county court of Jefferson county, and thereupon it shall be the duty of said county court to make an order requiring the inhabitants of said municipality to pay to the sheriff of said county the taxes so assessed.

Jefferson county court to require payment of tax to sheriff.

§ 8. It shall be the duty of the clerk of the county court of Jefferson county to file away and safely keep the lists and assessments of the commissioners as public records, and he shall make and certify from said lists appropriate copies, and deliver the same to the sheriff by the first day of June of each year, taking the sheriff's receipt therefor, which he shall also file away, and keep as a public record; and for the services rendered by the clerk under the requirements of this act he shall receive, out of the

County clerk to preserve lists of taxes to be assessed and collected; his fees for same.

1874.

1874. fund herein created, the same proportionate pay as he receives from the county for like services.

Sheriff's duty in regard to tax to be collected.

§ 9. The lists and tax bills so received by the sheriff from the clerk shall be his warrant for the collection of the taxes, and it shall be his duty to collect the same, and he shall have the same powers and rights in regard thereto as upon tax bills due to the State; and he shall receive, out of the fund herein created, like compensation as for like work in collecting State taxes. The sheriff shall, upon July first, August first, September first, October first, November first, and December first, of each year, render to the treasurer hereinafter named a full and true account of the taxes collected up to those dates respectively, and pay the sum then in his hands to the treasurer in cash; and it shall be the duty of the sheriff and treasurer to settle with the commissioners in the month of December of each year; the commissioners to make, on such settlements, any reasonable deductions for delinquencies of tax-payers; and such settlement shall be reported by the commissioners to the county court of Jefferson county in the following January. If the commissioners and sheriff, or either of them, fail to report a settlement by the first day of February following, it shall be the duty of the county court of Jefferson county to summons the commissioners, sheriff, and treasurer, to show cause why a settlement has not been made; and, if need be, said court may, by proper process and orders, coerce a settlement. The sheriff and his sureties shall be responsible on his official bond to the municipality hereby created for any default in the discharge of the duties imposed by this act.

Treasurer to be appointed, & his duties.

§ 10. It shall be the duty of the commissioners to appoint a treasurer of the municipality, whose appointment shall be approved by the judge of the county court of Jefferson county; and the person so appointed and approved shall give bond, with surety, to be approved by said court, to account for all the moneys of the municipality that may come into his hands. None of the commissioners shall be treasurer or surety on the treasurer's bond. It shall be the duty of the treasurer to receive of the sheriff and receipt for all the moneys collected under this act, and he shall only pay said moneys out upon orders signed by the three commissioners; and the commissioners are authorized to allow the treasurer such compensation as will not exceed five per cent. upon his disbursements.

Commissioners to nominate patrol to county court for appointment may discharge patrol and have others appointed, & duties of patrol defined.

§ 11. It shall be the duty of the commissioners, immediately upon entering upon the duties of their office, to nominate to the judge of the Jefferson county court six (6) of the inhabitants of said municipality as a patrol, one of whom the commissioners shall name as captain. The patrol so nominated shall qualify before the judge of the

LAWS OF KENTUCKY.

Jefferson county court, by taking an oath, and giving bond, with approved security, to discharge faithfully the duties of the office of a patrolman. The commissioners shall have power to discharge any of said patrolmen at any time, and nominate to the county court others in their stead. Said patrol shall have the common law and statutory powers of a policeman; and shall, as early as practicable, after making an arrest, take the party arrested before a justice of the peace of Jefferson county, which justice shall have the same power to dispose of the offender as two justices have under the general laws. The pay of the common patrolmen shall be not more than two dollars and fifty cents per day, and the pay of the captain shall be not more than two dollars and seventy-five cents per day. When on duty the patrolmen shall wear such uniforms or badges as the commissioners may direct, and said patrolmen shall patrol on foot or horseback, as the commissioners may direct. 1874.

§ 12. The commissioners shall keep a record of their proceedings, and are authorized to employ a clerk, who shall be compensated out of the fund herein created, not exceeding three hundred dollars (\$300) per annum. The commissioners shall meet as often as once a month, and shall require of the captain of the patrol, as often as once a month, a report, in writing, of the actings and doings of the patrol.

Record to be kept by commissioners, and may employ clerk and pay him \$300 salary.

Shall require reports from patrol.

§ 13. The county court for Jefferson county shall have jurisdiction over all questions and powers arising out of this charter.

Jefferson county court has jurisdiction of all matters concerning this charter.

§ 14. This act shall take effect from its passage.

Approved February 11, 1874.

CHAPTER 257.

AN ACT to legalize certain orders of the Larue county court of claims.

WHEREAS, At the October term, 1873, of Larue county court (the presiding judge and a majority of the justices sitting), it was ordered by the court that an ad valorem tax of fifteen cents on each one hundred dollars' worth of taxable property in the county be levied for the purpose of erecting and constructing a jail in the town of Hodgenville in said county, and for other purposes for public use in said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the acts and orders of the judge of said county, and the court of claims, held in their October term, in the year 1873, in accordance with the above

Order levying tax legalized.

1874. preamble, be, and the same are hereby, legalized, and said taxes shall be collected as the revenue proper of the State is now by law collected.

§ 2. This act to take effect from its passage.

Approved February 11, 1874.

CHAPTER 258.

AN ACT to authorize the judges of the Bourbon and Elliott quarterly courts to appoint clerks of said courts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That sections (10 and 17) ten and seventeen of article thirteen (13) of chapter twenty-eight (28) be so amended that the judges of the Bourbon and Elliott quarterly courts shall have the power to appoint clerks of said courts, who shall have the same powers as, by section seventeen of said article and chapter, the county clerks would have if empowered by said judges to act as clerks of said courts; the said clerks appointed to take the same oath of office, to perform the same duties, to receive the same fees, and be subject to the same responsibilities as in said section, article, and chapter, provided.

§ 2. This act shall take effect from and after its passage.

Approved February 11, 1874.

CHAPTER 259.

AN ACT for the benefit of L. D. Padgett, of Pulaski county.

WHEREAS, Henry Owens, of color, was adjudged by the Pulaski quarterly court to be a lunatic, and confined in jail of said county, and was, by a proclamation dated — day of —, 1873, by His Excellency, P. H. Leslie, ordered to be sent to the lunatic asylum at Anchorage, Kentucky; and whereas, W. S. Shepperd, jailer of said county, summoned L. D. Padgett to convey and guard said lunatic to said asylum, which he did on the 17th day of October, 1873, and the superintendent of said asylum refused to receive said lunatic, whereupon said Padgett returned said lunatic to the jail of said county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer in favor of L. D.

Padgett, of Somerset, Pulaski county, for the sum of (\$48 32) forty-eight dollars and thirty-two cents, being the amount of expenses and compensation incurred in taking Henry Owens, a colored lunatic, to the asylum at Anchorage, Kentucky, by order of the Pulaski quarterly court, the same to be paid out of any money in the Treasury not otherwise appropriated. 1874.

§ 2. This act to be in force from its passage.

Approved February 11, 1874.

CHAPTER 260.

AN ACT to prohibit the use of intoxicating liquors in Lawrence and Elliott counties on election days.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, give, loan, or otherwise procure for another, on the day of holding any State, county, or municipal election in the counties of Lawrence and Elliott, held under the laws of this Commonwealth, any spirituous, vinous, or malt liquors, or the admixture of any of them, or either of them, or any other intoxicating liquors, at the place of holding said elections, or either of them, or within five miles thereof, to be drunk or that shall be drunk at the place of holding said election or elections, or within five miles thereof: *Provided, however,* That nothing herein contained shall be so construed as to apply to practicing physicians in the bona fide practice of their profession, or church purposes on sacramental occasions.

Made unlawful to sell, loan, or give liquors on election days.

§ 2. Any person who shall violate the provisions of the preceding section of this act shall be fined in any sum not less than twenty nor more than fifty dollars, to be recovered on indictment by the grand jury of said county.

Penalty.

§ 3. That this act shall take effect from and after its passage.

Approved February 11, 1874.

CHAPTER 261.

AN ACT to amend an act, entitled "An act for the benefit of the Cynthiana, Paddy's Run, and Lair's Station Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of directors of the Cynthiana, Paddy's Run, and Lair's Station Turnpike Road Com.

1874. pany be, and they are hereby, authorized to collect tolls at the same rate authorized by the act to which this is an amendment, until said road is out of debt.

§ 2. That this act take effect from its passage.

Approved February 11, 1874.

CHAPTER 262.

AN ACT to amend an act, entitled "An act to incorporate the Cincinnati, Covington, and Cumberland Gap Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act named be, and is hereby, amended as follows, to-wit:

Road between Paris and Mt. Sterling to be commenced when \$200,000 is subscribed.

§ 1. That said company be, and is hereby, authorized to begin the construction of that part of their road between Paris, Kentucky, and Mount Sterling, whenever they procure a bona fide subscription of two hundred thousand (\$200,000) dollars.

President and directors, to adopt gauge of road.

§ 2. That the gauge of said road may be such as shall be adopted by the president, directors, and company, by order on their books.

Name of road may be changed by directory by order of publication.

§ 3. That the board of directors of said company may change the name and style of said company by order entered upon their company books, and by publishing the same in the public prints.

May extend the road from Paris to Ohio river, opposite Vevay, &c.

§ 4. That said company may extend their road from Paris to a point on the Ohio river opposite Vevay, or other point at which the Chicago and South Atlantic Railroad strikes the Ohio river; but not further west than a point opposite Madison, Indiana.

§ 5. This act shall take effect from and after its passage.

Approved February 11, 1874.

CHAPTER 263.

AN ACT to authorize the creation of a building committee for the town of Versailles, in Woodford county, and to define the powers and duties thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees to elect building committee for said town.

§ 1. That it shall be the duty of the board of trustees of the town of Versailles, in Woodford county, at their first regular meeting after the passage of this act, and annually thereafter, to elect a building committee for said town, to consist of three discreet property-holders, who shall be residents of the said town.

§ 2. The said building committee shall hold their offices for the term of one year from the date of their election, and until their successors are elected and qualified; and every person selected as provided, as a member of said building committee, shall, before entering upon the discharge of his duties as such, take an oath faithfully and impartially to discharge the duties pertaining to his office.

1874.

Term of office.

Committeemen to take oath.

§ 3. It shall be the duty of said building committee to examine carefully into the character and description of every building which it is proposed to erect, add to, or remove into the corporate limits of said town of Versailles, and estimate the dangers and risks to be incurred by reason of fire, or other casualty, to neighboring or adjacent property; and the said committee shall have power and authority to grant or refuse, in their discretion, permits for the building, adding to, or removing into the corporate limits of said town such building as it may be proposed to erect, add to, or removed

Powers and duties of committee.

§ 4. It shall not be lawful for any person or persons to erect, add to, or remove into said corporate limits of said town, or to move from one point within said town limits to any other point within said town limits, any other house or other building, without first obtaining from the said building committee a permit therefor. Every person violating the provisions of this section shall for each offense be liable to indictment in the circuit court of Woodford county, and subjected to a fine of not less than one hundred nor more than five hundred dollars, and the board of trustees for the said town of Versailles shall have authority and power to have such building torn down or removed.

Persons building or adding to buildings to obtain license therefor.

Penalty for violating this provision.

§ 5. Reports shall be made, in writing, by said building committee, to the trustees of the said town of Versailles, at least once in every three months, setting forth and particularly describing each building for the erection, adding to, or removal of which a permit shall have been granted.

Committee to report in writing to trustees quarterly.

§ 6. The said building committee shall be elected, as provided for in the first section of this act, annually.

Building committee to be elected annually.

§ 7. It shall be the duty of said building committee to order the removal or destruction of any building within the limits of said town when, in their judgment, an unusual risk is incurred by adjacent buildings in consequence of the proximity of such structure, and a proper regard for the sanitary welfare of adjoining property shall require it. Any person or persons failing or refusing to obey such order, when given, shall, for each failure or refusal, incur the penalties set out in the fourth section of this act.

Committee may order any building to be removed or demolished.

Penalty for refusal to comply with order.

§ 8. This act shall take effect from its passage.

Approved February 11, 1874.

1874.

CHAPTER 264.

AN ACT for the benefit of John N. Howard, sheriff of Harlan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

'Sheriff released
from payment of
interest and dam-
ages on judgment

§ 1. That John N. Howard, the sheriff of Harlan, be, and is hereby, released from the twenty per cent. damages assessed against him at the June term of the Franklin circuit court, 1873, for failure to pay into the Treasury the revenue of Harlan county for the year 1872: *Provided*, That said sheriff pay into the Treasury in ninety days from this date all of said judgment, except the twenty per cent. damages aforesaid.

§ 2. This act to take effect from its passage.

Approved February 12, 1874.

CHAPTER 265.

AN ACT for the benefit of William Sword and Fleming Justice, of Pike county.

WHEREAS, At the October term, 1867, of the Franklin circuit court, a motion was made, in behalf of the Commonwealth of Kentucky, against William P. Johnson, sheriff of Pike county, and Fleming Justice and William Sword, his sureties on his official bond, for a judgment thereon for the revenue of 1866, upon which bond judgment was rendered against said Johnson and sureties for \$2,922 22, at said October term, 1867; and whereas, at the fiscal term of said court, on the 27th of January, 1868, a bond of the said William P. Johnson for the year 1866 was filed in said court, purporting to be a bond for the collection of the State revenue and the county levy, and signed by said sureties, upon which bond motion was made and judgment obtained in behalf of the Commonwealth; and whereas, the said Fleming Justice and William Sword did not intend to sign said bond as a revenue bond, and it being now too late for him to take an appeal upon said judgment, or make a defense to the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Judgment, inter-
est, and damages
released.

§ 1. That the said Fleming Justice and William Sword be, and they are hereby, released from the payment of said judgment rendered at said October term, 1867, at the fiscal term of the Franklin circuit court, for the sum of \$2,922 22 and interest upon same, and damages and costs: *Provided*, The co-sureties shall first enter their consent of record in the Pike county court to the release herein granted.

§ 2. All proceedings heretofore had for the collection of said judgment, so far only as they apply to said Justice and Sword, are hereby set aside and held for naught. 1874.
Legal proceedings set aside.

§ 3. This act shall take effect from its passage.

Approved February 12, 1874.

CHAPTER 266.

AN ACT for the benefit of Messrs. Mann & Rice and Miller & McDaniel, of Greenville.

WHEREAS, The owners of the Greenville Hotel, Messrs. Mann & Rice, also another firm, known as Miller & McDaniel, all of the town of Greenville, in the county of Muhlenburg, erected, under the old law, certain property for the purpose of opening and carrying on the saloon and billiard business; and whereas, section five of article thirteen of chapter ninety-two of the General Statutes of Kentucky has interfered with said business by closing the door to the billiard room; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Mann & Rice and Miller & McDaniel be permitted to open the door of their respective houses between the bar-room and the billiard saloon.

§ 2. This act to be in force from and after its passage.

Approved February 12, 1874.

CHAPTER 267.

AN ACT allowing the jailer of Clay county an assistant.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the jailer of Clay county be, and he is hereby, allowed an assistant.

§ 2. This act shall take effect from its passage.

Approved February 12, 1874.

CHAPTER 268.

AN ACT to incorporate the town of Garnettsville, in Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the following boundary of land in Meade county, lying and situated on Otter creek, be, and is Boundary of town given.

1874.

hereby, established as the town of Garnettsville: beginning on the west side of Otter creek opposite the house of James A. Withers, and running thence to the spring on J. C. Lawson's farm; thence to the southeast corner of Salem College lawn; thence to a large poplar in Dr. H. K. Pusey's field; thence to Otter creek at the head of Sterett's mill-pond; thence with the creek, including the stream, to the beginning, containing about one hundred and fifty acres.

Boundary kept
by trustees, and
recorded in the
county court.

§ 2. That a copy of said boundary be kept by the trustees of said town, subject to inspection at all times by the citizens of said town, and that the said trustees cause another copy to be filed in office of the county court of said county.

First trustees
appointed, and
to hold till elec-
tion in August,
1874, and annual
elections there-
after.

§ 3. That F. K. Summers, Joseph W. Buckler, W. A. Hutchins, and Jos. B. Daugherty, are hereby appointed trustees of said town, and shall hold their office until the first Monday in August, 1874, at which time, and annually thereafter, there shall be elected by the qualified voters of the town three trustees to serve for one year, and until their successors are duly elected and qualified.

Qualification of
voters.

§ 4. That all citizens living in the town who are qualified to vote and hold office under the Constitution and laws of Kentucky are entitled to vote and hold office in said town.

Police judge and
marshal to be
elected.

§ 5. A police judge and town marshal shall be elected by the qualified voters of said town, on the first Saturday in April next, who shall hold their office until the next regular election of county judge and sheriff of said county, at which time the said officers shall be elected for the same term as the aforesaid county officers.

Officers to be
sworn and bond
of marshal.

§ 6. Said officers, including the trustees, shall, before they enter upon the duties of their office, take the oath prescribed by law; and the marshal shall execute bond in the county court, with approved security, conditioned for the faithful discharge of his duty.

Jurisdiction of
police judge and
marshal.

§ 7. Said police judge shall have concurrent jurisdiction with justices of the peace in the Garnettsville voting precinct in all criminal and penal cases; and to charge the same fees for services as justices of the peace are allowed to charge. The marshal shall have concurrent jurisdiction with constables of Meade county, and charge the same fees for their services.

Trustees may
pass by-laws.

§ 8. The trustees are empowered to pass such by-laws and enact such regulations as may be necessary for the good government and well-being of said town, not in contravention with the Constitution and laws of Commonwealth, and to fill any vacancy in any office created by this act that may occur.

§ 9. Said trustees shall have power to levy a tax on all persons living in said town, or owning property in the corporate limits, not exceeding fifty cents on the one hundred dollars' worth of property ad valorem; also the power to impose a poll-tax of not over two dollars on each male citizen over the age of twenty-one years; all to be applied to meet the expenses incident to incorporation, such as payment of salary of marshal, street repairs, &c. And all fines and forfeitures are to be applied by the trustees in such manner as will be beneficial to the town.

1874.

Trustees to levy tax to pay expenses & salaries of officers.

§ 10. The board of trustees shall consist of three, one of the members acting as chairman and one as clerk; and they shall keep a record of their proceedings, and such proceedings shall be subject to the inspection of the citizens at any time; and all by-laws or ordinances passed by the trustees shall be posted up by them in not less than three public places in said town, and not less than ten days before the same shall take effect.

Board to consist of three trustees, and record of proceedings to be kept.

§ 11. The trustees shall have power to procure, by purchase or otherwise, a lot of ground on which to build a guard-house, and to build said house by subscription or otherwise, for the keeping of prisoners, under the same rules and regulations as govern the county jail; said guard-house to be kept by the marshal, who shall have all the privileges and compensation allowed the keeper of the Meade county jail for like services.

Trustees to purchase ground for guard-house, and compensation to keeper.

§ 12. That the trustees of said town shall have power and authority to grant one or more coffee-house license in said town to bona fide keepers thereof, which license shall be signed by the chairman of the board of trustees, and shall run for one year; but before any such license shall be granted the applicant for the same shall pay the clerk of Meade county court the State tax thereon, and shall execute bond in said court, as now provided by law, and shall produce to the trustees the receipt thereof; such license shall not exceed one hundred dollars. The parties selling liquors under these license are required to keep an orderly house. And the trustees hold the power to revoke the license when, in their judgment, it is necessary for the peace and order of the town.

May grant coffee-house license, and regulate the sale of liquors, &c.

§ 13. This act shall take effect from and after its passage.

Approved February 12, 1874.

1874.

CHAPTER 269.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors within one and one half miles of S. J. Henry's store, in what is now known as Lewisburg, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for the county judge of Logan county to grant a license to any person or persons to sell, by wholesale or retail, any spirituous, vinous, or malt liquors, or any mixture thereof, within one and one half miles of S. J. Henry's store, in what is now known as the town of Lewisburg, in said county.

§ 2. Any person violating this act shall be deemed guilty of keeping a tippling-house, and shall be punished as now provided by law for said offense: *Provided*, That bona fide keepers and vendors of drugs may sell such liquors upon the written prescription of a practicing physician.

§ 3. This act shall not be so construed as to interfere with any license to sell such liquors now held by any one.

§ 4. This act shall be in force from its passage.

Approved February 12, 1874.

CHAPTER 270.

AN ACT to amend the charter of the Springfield, Pleasant Run, and Mackville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the judge of the Washington county court, and the justices of the peace of said county, or a majority thereof, shall, by order of said court, at any regular term thereof, after the passage of this act, locate and fix the route over that portion of the Springfield, Pleasant Run, and Mackville Turnpike Road, lying between Pleasant Run and Mackville.

§ 2. This act shall be in force from its passage.

Approved February 12, 1874.

CHAPTER 271.

AN ACT to amend chapter twenty-eight, article five, of the General Statutes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That chapter twenty-eight, article five, of the General Statutes, be so amended as to provide that the June

term of the Marion circuit court of each year shall have jurisdiction to try and determine only chancery and criminal cases.

1874.

§ 2. This act to be in force from and after its passage.

Approved February 13, 1874.

CHAPTER 273.

AN ACT regulating the practice in suits under section twelve of the city charter of Louisville, and amendments thereto.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in any suit or action which may be hereafter brought to enforce payment of any warrants for the cost of the improvements of the whole or any part of any public way of the city of Louisville, under section twelve of the charter of said city, or any amendment thereto, it shall be lawful for the plaintiff to prepare and try his action or suit as to the person or persons or property mentioned in any one of said warrants, notwithstanding said action may not be ready for trial as to other defendants; and such unreadiness shall be no ground for continuance or delay by any defendant as to whom said action is otherwise ready.

Actions may be proceeded with against one defendant without regard to readiness of others.

§ 2. This act shall take effect from its passage.

Approved February 13, 1874.

CHAPTER 274.

AN ACT to amend an act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road, approved April 21st, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act to amend and reduce into one the several acts concerning the management of the Wilderness Turnpike Road, approved April 21st, 1873, be so amended as to permit the toll-gate to be kept anywhere on said road, from Cumberland Gap to Barbourville, to suit the purchaser.

Purchaser may locate toll-gate.

§ 2. That one half the net proceeds of said gate be applied to the payment of the outstanding indebtedness of the gate, instead of two thirds, as now provided by law, and that the other half thereof be applied to the building of bridges and other improvements on the road.

Half of net proceeds to go towards paying indebtedness, and balance to improving road, &c.

1874.

County judges to lay off road in districts, appoint overseers, &c.

Overseers shall require road hands to work on road.

Penalty for failing to work road.

Pains and penalties on overseers for failure to discharge duties.

Regulations in regard to compensation of overseers.

Citizens of certain counties to pay half tolls.

County judges to have jurisdiction of certain parts of said turnpike.

§ 3. That the county judges of Bell, Knox, and Laurel shall lay off the road in their respective counties into convenient districts, not to exceed six miles in length, and appoint an overseer in each district by the April term of their respective county courts, 1874, and every year thereafter, who shall require all persons subject to work on county roads residing on or within one mile of said road, measured on a straight line from the road in dispute, to work on the same, not exceeding six days in any one year, and shall furnish suitable tools for that purpose; and if any person subject to work on said road shall fail or refuse to work on said road, or furnish an able-bodied substitute to work in his stead, after having at least two days' previous notice of the time and place of meeting to work, shall be fined two dollars and fifty cents for each day he fails or refuses to work or furnish such tools, which may be recovered by warrant before a justice of the peace in the name of the Commonwealth, one half the amount to go to the informer, the remainder to be applied to the improvement of the road. That the overseers shall be subject to the same pains and penalties for a failure to perform their respective duties under this act as surveyors of the public highway for a failure to perform their duties, to be recovered in the same manner.

§ 4. That said overseers shall be allowed nothing for their services aforesaid; but shall be allowed a reasonable compensation, not to exceed one dollar per day, for his services in employing hands and working on his district of the road, when done by order of his county court; but he shall not in any one year expend on his part of the road more than the proportionate amount due that part of the road.

§ 5. That all persons residing in the counties of Laurel, Clay, and Jackson, who travel on the Crab Orchard fork of the Wilderness Turnpike Road, from the forks of the road at John Pitman's to Livingston Station, or over any part of same in vehicles, or haul in wagons over same, shall pay one half toll at the gate on said road, they not traveling over more than one half the road. The toll on stock and persons traveling on horseback over said road from the counties aforesaid shall remain as now fixed by law.

§ 6. That section ten of the act to which this is an amendment be, and the same is hereby, repealed. That hereafter the judge of the Laurel county court shall have jurisdiction over that part of the Crab Orchard fork of the Wilderness Turpike Road that is included in Laurel county, between the forks of said road, at John Pitman's, and Rockcastle river; and the judge of the Rockcastle county

court shall have jurisdiction of said road from the Laurel county line at Ben. Goodin's to the end of the road near Crab Orchard.

1874.

§ 7. That the county judges of Laurel and Rockcastle shall each have power, and it shall be their duty, to lay off said road into convenient districts or sections, and appoint overseers on each district of the road in their respective counties, whose duty it shall be to require all persons, who by existing laws are required to work on said road, to work on same, not exceeding six days in any one year, under the like pains and penalties as stipulated in section three of this act.

Judges of Laurel and Rockcastle counties to lay off road and appoint overseers.

Overseers to require hands to work said road.

§ 8. That the gate-keeper shall pay over to the county judge of Laurel county three fourths of the proceeds of said gate, or of the amount that he agrees to pay for same, to be expended in improving that part of the road between the forks thereof at John Pitman's, in Laurel county, and Livingston Station, in Rockcastle county, as nearly all the money is taken in on that part of the road; but before any money shall be paid over to said county judge he shall execute a bond, with approved security, in the sum of fifteen hundred dollars, for a faithful discharge of his duties under this act, and a faithful application of the proceeds of the gate for the best interest of the road, and shall take an oath to the same effect. The bond shall be executed and the oath taken before the clerk of the Laurel county court, and recorded in the order-book of said court.

How gate-keeper to dispose of proceeds of tolls.

County judge to execute bond and security for faithful discharge of duty.

§ 9. Nothing in this act shall be construed to refer to the Madison fork of the Wilderness Turnpike Road, or the toll-gate situated thereon.

§ 10. All acts and parts of acts in conflict with this act are hereby repealed.

§ 11. This act shall take effect from and after the 20th day of July, 1874.

Approved February 13, 1874.

CHAPTER 275.

AN ACT for the benefit of Charles N. Hoskins, sheriff of Powell county.

WHEREAS, Charles N. Hoskins, sheriff of Powell county, in consequence of continued ill health, has been prevented from collecting the revenue due from said county in full, there being a balance of nine hundred and thirty dollars and ninety-eight cents yet due on said revenue; therefore,

1874. *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

Allowed further
time to pay rev-
enue for 1873.

§ 1. That said Charles N. Hoskins, sheriff of Powell county, have the further time until the first day of July, 1874, in which to collect and pay into the Treasury the revenue due from Powell county for the year 1873: *Provided*, The said Hoskins shall pay said revenue into the Treasury as fast as he collects the same, in sums of not less than one hundred dollars, and that he make affidavit and file with the Auditor, on or before the first of July, 1874, that he has not loaned or speculated on any part of said revenue due from Powell county for the year 1873: *And provided further*, That the securities of said sheriff shall, in writing, consent to the extension of time in the county court of Powell.

Sureties to con-
sent to extension.

§ 2. This act shall take effect from its passage.

Approved February 13, 1874.

CHAPTER 276.

AN ACT limiting the time of acceptance of a proposition by Metcalfe county to subscribe stock to the Cumberland and Ohio Railroad Company.

WHEREAS, Under the provisions of the charter of the Cumberland and Ohio Railroad Company, the Metcalfe county court did, on the 31st day of December, 1869, order an election in said county upon a proposition to subscribe stock to said railroad; and on the 22d day of January, 1870, said election was held and resulted in favor of the proposition to subscribe stock to said road when certain conditions were complied with by said railroad company; and whereas, three years have now elapsed since said proposition was made to said company, and they have failed to comply with the conditions upon which the proposition was made; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Time until
August 1st, 1874,
given railroad to
accept and com-
ply with terms of
subscription of
stock.

§ 1. That unless the Cumberland and Ohio Railroad Company shall, on or before the first day of August, 1874, comply with the conditions of the proposition by Metcalfe county to subscribe stock to said railroad, made by vote of the people of said county under an order of the county court of said county, made and entered of record on the 31st day of December, 1869, and accept said proposition in accordance with the terms of said order, then and thereafter said order, and the election held thereunder, shall be considered and held void and of no effect, and the proposition of said county to subscribe stock withdrawn.

Approved February 13, 1874.

CHAPTER 277.

1874.

AN ACT for the relief of the sheriff of Hancock county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor be, and is hereby, directed to draw his warrant in favor of G. W. Taylor, sheriff of Hancock county, on the Treasury for two hundred and thirty-four dollars and eighty-eight cents (\$234 88), which amount was paid by said sheriff into the Treasury, being five per cent., under act 22d March, 1871, on revenue which said sheriff failed to pay in by the 1st of April, 1872.

Sheriff released from damages on judgment for revenue of 1871.

§ 2. That Geo. W. Taylor, sheriff as aforesaid, is hereby released from the payment of three hundred and twenty-nine dollars and two cents (\$329 02), being amount charged against said sheriff on account of revenue of 1872 not paid into the Treasury by the 1st of April, 1873, under act of 22d March, 1871: *Provided, however,* That said sheriff of Hancock county shall first satisfy, by the same statement of himself and deputies, the Auditor, that the said five per cent. has not been collected by himself or deputies from the tax-payers of said county, and that the relief hereby granted shall only apply to that part of said five per cent. that has not been collected from said tax-payers.

Released from damages on revenue of 1872.

§ 3. That the amount of two hundred and sixty-three dollars and fifty-two cents (\$263 52), being damages adjudged against said sheriff in the Franklin circuit court in favor of the Commonwealth of Kentucky upon revenue of 1872, be, and the same is hereby, remitted, and the said sheriff is hereby released from the payment of said damages.

Judgment for damages released.

§ 4. This act to take effect from and after its passage.

Approved February 13, 1874.

CHAPTER 278.

AN ACT for the benefit of J. W. Shelby and wife, of Lincoln county.

WHEREAS, The records of the Auditor's office show that J. W. Shelby, sr., of Lincoln county, was assessed, for the year 1871, with one hundred and forty-six acres of land, in Lincoln county, valued at seven thousand dollars (\$7,000), for himself, and with one hundred and forty acres for his wife, valued at seven thousand dollars (\$7,000), when in reality said Shelby and wife owned only one hundred and forty acres of land between them; and whereas, said Shelby and wife did pay taxes for the year

1874. 1871 on fourteen thousand dollars (\$14,000) for real estate, instead of seven thousand dollars (\$7,000), and the revenue thus collected from said Shelby and wife was paid into the State Treasury ; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the State Treasurer for the sum of thirty-one dollars and fifty cents in favor of J. W. Shelby, sr., that being the amount of the revenue he paid into the State Treasury on seven thousand dollars (\$7,000) on real estate, for the year 1871, that he did not own.

§ 2. This act to take effect from and after its passage.

Approved February 13, 1874.

CHAPTER 279.

AN ACT for the benefit of Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Order levying tax legalized. § 1. That the order of the court of claims for Clinton county, made at its November term, 1873, levying an ad valorem tax of ten cents on each one hundred dollars' worth of property for paying the indebtedness of the county for the year 1874, be, and the same is, ratified and confirmed and made valid, and is hereby legalized.

Sheriff to collect tax under usual responsibilities. § 2. That the sheriff of Clinton county is hereby authorized and directed to collect the same, and he will account for the same, and be responsible for its collection and payment, as directed by said court of claims, on his county levy bond.

§ 3. This act to take effect from its passage.

Approved February 13, 1874.

CHAPTER 280.

AN ACT for the benefit of Isaac K. Baker, late sheriff of Perry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Sheriff released from damages, interest, &c. § 1. The Auditor of Public Accounts be, and is hereby, directed to draw his warrant on the Treasury in favor of Isaac K. Baker, late sheriff of Perry county, for the sum of eighty-one dollars and thirty-nine cents (\$81 39), being the amount of a judgment for damages taken against said Baker on revenue of 1872, not paid by the 1st of April,

1873, which damages, balance of revenue, and costs, have been paid into the Treasury by said Baker. 1874.

§ 2. This act to take effect from and after its passage.

Approved February 13, 1874.

CHAPTER 281.

AN ACT for the benefit of E. M. Springfield, late sheriff of Webster county, and securities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. M. Springfield, late sheriff of Webster county, having paid the full amount of the principal, interest, costs, and Attorney General's fee of the judgment rendered against him and his securities in the Franklin circuit court on account of the revenue of 1872, the amount of damages adjudged against them be, and the same are hereby, remitted. Damages on judgment released.

§ 2. That the judgment rendered against said Springfield and his securities having prevented the Auditor of Public Accounts from allowing the delinquent list returned to him by said Springfield after said judgment was rendered, he, the Auditor, is authorized and directed to allow said delinquent list, or so much thereof as may be just and proper, and that he draw his warrant on the Treasurer in favor of said Springfield for the amount of the same. Auditor to allow delinquent list.

§ 3. This act shall be in force and effect from its passage and date of approval.

Approved February 13, 1874.

CHAPTER 282.

AN ACT for the benefit of L. B. Piercal, of Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the real estate of L. B. Piercal, in Vanceburg, Lewis county, known as "Riverside Seminary," containing two (2) acres, with all improvements thereon, shall be exempt from all city, county, and local taxes, but the same shall not be exempt from State taxation. This shall apply to the year 1874.

§ 2. This act shall take effect from its passage.

Approved February 13, 1874.

LAWS OF KENTUCKY.

1874.

CHAPTER 284.

AN ACT for the benefit of James Wallace, late sheriff of Christian county.

WHEREAS, James Wallace, late sheriff of Christian county, has long since paid into the State Treasury all the revenue due the State from him, together with all interest that may have accrued thereon; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Wallace, late sheriff of Christian county, is hereby released from the penalty of five (5) per cent. assessed and charged against him by the Auditor on the revenue for the year 1872, and the account of the Commonwealth against said Wallace shall be credited by the Auditor by the amount of said five per cent. penalty so charged and assessed: *Provided*, That no five per cent. be remitted which has been collected from tax-payers, which fact shall be obtained by the sworn affidavit of said sheriff.

§ 2. This act shall take effect from and after its passage.

Approved February 13, 1874.

CHAPTER 285.

AN ACT for the benefit of W. E. Clelland, late sheriff of Mercer county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That when W. E. Clelland, late sheriff of Mercer county, shall have paid the full amount of the principal, interest, costs, and Attorney General's fee, of a judgment rendered in the Franklin circuit court against him on account of the revenue of 1872, the damages, including the five per cent. imposed under the act of March 22d, 1871, shall be remitted: *Provided, however*, That said principal, interest, costs, and Attorney General's fee shall be paid within sixty days from the passage of this act: *And provided further*, That before said five per cent. damages shall be remitted, the said Clelland and his deputies shall make oath in open court that they have not collected said five per cent., or what part they have collected of the same, and only that portion of it shall be remitted that has not been collected.

§ 2. That the judgment against said Clelland having taken from the Auditor all power and authority to allow him, said Clelland, credit for his delinquent list, he, the Auditor, is hereby authorized and directed to credit said

Clelland with the amount of said delinquent list, so much thereof as may be equitable and just. 1874.

§ 3. This act shall be in force and effect from its passage.

Approved February 13, 1874.

CHAPTER 286.

AN ACT for the benefit of Allen, Harbeson & Co., of Augusta, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all promissory notes made negotiable and payable at the banking-house of Allen, Harbeson & Co., in Augusta, Kentucky, and inland bills which may be discounted by said Allen, Harbeson & Co., shall be, and are hereby, put on the same footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers.

§ 2. That the money capital held by each partner in said firm of Allen, Harbeson & Co., bankers, shall be taxed as if so much stock, and it shall be the duty of said Allen, Harbeson & Co., on the first day of July of each year, to pay into the State Treasury, for the benefit of the revenue proper, fifty cents on each one hundred dollars used by said banking firm of Allen, Harbeson & Co. in the said business, which shall be in full of tax or bonus on said money capital.

§ 3. The General Assembly hereby reserves the right to investigate, by committee or otherwise, the amount of capital or money used in said business, and to repeal, alter, or modify this act at pleasure.

§ 4. This act to take effect from its passage.

[Became a law without the Governor's signature, February 17, 1874.]

CHAPTER 288.

AN ACT for the benefit of I. L. Hyatt.

WHEREAS, The Commissioners of the Sinking Fund have recovered judgment by default against I. L. Hyatt, in the Franklin circuit court, for tolls upon the Kentucky river, amounting now, including interest, costs, and commissions, to about one thousand dollars; and whereas, it appears that during the period within which said tolls accrued, a portion of Cedar dam had been washed away, the debris of which greatly obstructed the channel below

1874. the dam; and further, that a large barge had been sunken in said channel, thus obstructing the navigation of the river, and the Commissioners of the Sinking Fund not having authority to spend money for the removal of such obstructions; and it further appearing that said Hyatt, being engaged in the transportation of coal on said river, undertook to remove said obstructions, to be paid for in the tolls upon his own boats, and that he did remove said obstructions at great trouble and expense, and that the work was reasonably worth the tolls for which said judgment was recovered; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Attorney General be, and he is hereby, directed to enter satisfaction, except the costs and commissions, upon an execution in favor of the Commissioners of the Sinking Fund against I. L. Hyatt and others, his sureties, issued from the clerk's office of the Franklin circuit court, upon a replevin bond for nine hundred and forty-nine dollars and five cents, with interest from the 4th of December, 1872.

§ 2. This act to take effect from date of its passage.

[Became a law without the Governor's signature, February 17, 1874.]

CHAPTER 290.

AN ACT to incorporate the trustees of the Presbyterian Church at Columbus.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George B. Moss, William Heron, Baker W. Badger, and Thomas G. Poore, and their successors in office, are created a body-politic, by the name and style of the Board of Trustees of the Presbyterian Church of Columbus, Kentucky; by that name they may be sued and may sue, contract and be contracted with, plead and be impleaded, in all the courts of this Commonwealth; that the said trustees or their successors shall have power to lease and rent, or sell and convey the present church property, or any part thereof, for the purpose of paying any present indebtedness, or to purchase other property; to erect such buildings as they may desire, and to receive subscriptions or any other donations that may be given to said trustees.

§ 2. The said board of trustees shall have full power to sue for and collect any subscription or donations that may be given said trustees, and sue for and recover any injury done their said property, and have the absolute control of the same, except they shall have no power to

Corporators' names.

Name and style.

Corporate powers.

Trustees may sue for and collect subscriptions or donations.

exclude from preaching in said church any person whom the session thereof shall invite to preach therein. 1874.

§ 3. Should a vacancy occur, by death or otherwise, in the board of trustees, the same shall be filled by an election held by the members of said church, and the same shall be recorded in the minutes of the said church. Vacancies in trustees — how filled.

§ 4. This act shall take effect from its passage.

Approved February 16, 1874.

CHAPTER 291.

AN ACT to incorporate the Mt. Sterling Coal Road Company.

• *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

§ 1. That John A. Hannah, Frank Fitch, C. J. Glover, L. T. Chiles, O. S. Tenny, L. D. Wilson, R. H. Fitzhugh, T. H. Eastin, William Little, A. Baum, R. T. Bean, J. M. Bent, J. O. Miller, Fred. Fitch, W. T. Howe, M. H. Jouett, J. P. Young, W. T. Hanly, Jas. Kerr, Thos. Hoffman, C. A. Brooks, B. W. Rose, M. McClosky, W. C. Dollins, J. B. Campbell, R. P. Guerrant, Jas. H. Hazelrigg, John Lindsey, John A. Blaydes, L. C. Jeffries, J. H. Piersall, John A. Geary, J. J. Greenwade, A. D. Smith, W. T. Fitzpatrick, L. A. Glover, W. S. Thomas, James M. Thomas, and Albert Hoffman, their associates and successors, are hereby created a body-politic and corporate, named the Mount Sterling Coal Road Company; and by that name shall have power to contract and be contracted with, to acquire and hold property, real and personal, of any kind, and the same to convey; to sue and be sued, plead and be impleaded, in all courts and places, as a natural person forever; and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the laws of this State and of the United States. Corporators' names.

§ 2. The said company shall have power to construct and operate a railroad from Mt. Sterling southwardly or southeastwardly to the coal fields of Menifee or adjoining counties; and may extend the main line or branches to such other localities as it may thereafter deem expedient. The said company shall have power to purchase, acquire, and hold such real estate, in the State of Kentucky and elsewhere, by lease, in fee-simple, or otherwise, and such timber rights, mining privileges, rights of way, and other easements, as it may deem expedient or necessary for its business. It shall have power to mine coal and other mineral products, or purchase and prepare the same in any manner for market, and to exercise any necessary Name and style. Corporate powers. May construct & operate a railroad, &c. May acquire and hold real estate, &c.

1874. and proper powers to carry out the express powers granted by this act.

May condemn
lands and right of
way, &c.

§ 3. The said company may obtain, by agreement with the proprietors, the lands, timber, and other materials requisite to be taken for said railroad, appurtenances, and branches, or it may have the same condemned to the use of said company.

When company
may organize.

§ 4. The first three persons named in this act surviving, shall, after its passage, call a meeting of the corporators named herein; and they shall open books and fix the terms of subscription to the capital stock; and whenever fifteen thousand dollars shall have been subscribed, and notice shall have been given each subscriber of the time and place when and where a meeting of such subscribers shall be held, they may assemble and effect the permanent organization of the company; and a majority in value of the stock subscribed shall be represented at such meeting, and five per cent. shall have been paid by each subscriber upon his subscription before he shall be entitled to act further. The subscribers so qualified and organized may proceed to the election of a board of directors of not less than three nor more than seven members, as such meeting shall first decide.

Power and duties
of directors.

§ 5. The board of directors shall have the general management of all the business of said company, and may exercise any and all the powers hereby granted to the corporation. Immediately upon the election of a board, as provided in section fourth, they shall proceed to a choice of one of their number to be president and one other vice president, and thereupon the company shall be deemed fully organized, and may proceed with its business. The board of directors may appoint and employ such minor officers and employees, from time to time, as they may deem expedient, or provide by by-laws for their appointment and employment; may fix their salaries, and prescribe their duties, as well as those of the president and vice president, and the term of office or employment of such minor officers, agents, and employees; and may require, and take from any of them bond, with security, for the faithful discharge of their respective duties.

Capital stock and
regulations con-
cerning same.

§ 6. The capital of said company shall not exceed three hundred thousand dollars until the road is built from Mt. Sterling to the Meniffee line; but may thereafter be increased by the company, by an amount equal to fifteen thousand dollars for each additional mile of road it may then determine to build. The stock shall be personal property, and shall be evidenced and transferred as may be prescribed by the by-laws. The times and manner of payment, and the time, manner, and grounds

1874.

of forfeiture of stock subscribed, but not paid in, as required by call, shall be regulated and controlled by the by-laws; and the board of directors may either forfeit the stock of the defaulting stockholder, or collect the installments by suit, as they may elect. They may increase the capital stock of said company, from time to time, above the amount required by section fourth to be subscribed to effect the organization, as they may deem expedient, either by new subscriptions, sales, or otherwise, but not to an amount exceeding that limited herein. They may borrow money upon the bonds or other evidences of debt of the company, in such sums, payable at such times and places, and at such rates of interest (not exceeding ten per cent. per annum), as they may deem expedient; and may execute mortgages or deeds of trust upon any or all the property and franchises of the company, from time to time, as may be created. They may, from time to time, declare and pay dividends in stock or cash from the profits; and may distribute the net receipts among the stockholders pro rata, or may retain them to be applied in extending the operations of the company.

May borrow money on bonds, and secure same by mortgage.

May make dividends.

§ 7. The board of directors shall provide in the by-laws for the annual election by the stockholders of a board of directors, and such elections shall be annually held. Each share of stock, upon which the calls of the company shall have been paid, shall entitle the holder to one vote at elections of directors, or in stockholders' meetings held for any purpose, and may be voted in person or by written proxy. No person shall be elected as director who does not own in his own right, when elected, ten shares of the stock, upon which the payments required by call shall have been made. The directors when elected, in each year, shall choose one of their number as president, and one as vice president as aforesaid, and they shall severally hold their offices until their successors are elected. The board of directors shall prescribe by by-laws the number necessary to constitute a quorum for the transaction of business; and they shall fill vacancies occurring in the board between the annual elections, and provide for calling special meetings of stockholders. The principal office of the company shall be at Mt. Sterling, Kentucky, but it may have branch offices, depots, supplies, shops, and stores at other places; and the said company may extend its main line to Paris or Cynthiana, and may cross other railroads or turnpike roads with its road; but where it occupies the bed of a turnpike road with its railroad, it shall, for such distances, construct a turnpike road past the interference of as good quality and easy grade as characterizes the balance

Provisions in regard to elections of officers.

Principal office.

1874. of such turnpike. The company hereby incorporated are declared to be common carriers.

§ 8. This act shall take effect from its passage.

Approved February 13, 1874.

CHAPTER 293.

AN ACT to amend an act, entitled "An act to incorporate the Trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church of the United States of America, at Danville, in the State of Kentucky," approved January 28th, 1854.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees may
sell and convey
real estate be-
longing to semi-
nary.

§ 1. That the Trustees of the Theological Seminary, under the care of the General Assembly of the Presbyterian Church in the United States of America, at Danville, in the State of Kentucky, be, and they are hereby, invested with power to sell and convey any of the real estate owned by said corporation.

§ 2. This act shall take effect from and after its passage.

Approved February 16, 1874.

CHAPTER 297.

AN ACT for the benefit of Joseph Pearson, of Estill county.

WHEREAS, Elzira Kidwell, a pauper lunatic, of Estill county, was, on the 17th day of December, 1872, by a legal inquest, found to be a lunatic; and whereas, application was duly made to the Superintendent of the Eastern Lunatic Asylum, at Lexington, for the admission of said lunatic into said asylum; and whereas, said Superintendent refused to receive her; and whereas, Jos. Pearson, who was legally appointed committee for said lunatic, who kept and provided for her, from the 17th day of December, 1872, to the 15th day of October, 1873, at the rate of two hundred dollars per annum, which was legally certified to the Auditor for payment; and whereas, the Auditor has doubts as to his authority under an act approved March 28th, 1872, concerning pauper lunatics; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed \$163 30

§ 1. That the Auditor is hereby directed to draw his warrant upon the Treasurer in favor of Joseph Pearson, of Estill county, for the sum of one hundred and sixty-

three dollars and thirty-three cents, in full payment of said claim. 1874.

§ 2. This act to take effect and be in force from its passage.

Approved February 16, 1874.

CHAPTER 298.

AN ACT to prohibit the sale of spirituous, malt, or vinous liquors in the town of Glenville, in Adair county, or within one mile thereof.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be unlawful for any person to sell or vend spirituous, malt, or vinous liquors, or a mixture of either, in the town of Glenville, in Adair county, or within one mile of said town.

Made unlawful to sell liquors in said town.

§ 2. That any person who shall sell or vend, in any manner whatever, any spirituous, malt, or vinous liquors, or a mixture of either, in said town, or within one mile thereof, shall be deemed guilty of keeping a tippling-house, and for each offense shall be fined not less than twenty nor more than sixty dollars.

Penalty for violation of law.

§ 3 If any person shall twice sell or vend any spirituous, malt, or vinous liquors, or a mixture of either, in said town, or within one mile thereof, he shall be fined in a sum of not less than sixty nor more than two hundred dollars.

Penalty for second violation.

§ 4. Any person that shall keep a tippling-house in said town, or within one mile thereof, for three months at one time, shall be fined in a sum of not less than two hundred dollars nor more than four hundred dollars.

Penalty for keeping tippling-house.

§ 5. Prosecutions for a violation of the provisions of this act may be had in any court having jurisdiction to try such offenses under the General Statutes.

§ 6. This act shall take effect from and after its passage.

Approved February 16, 1874.

CHAPTER 299.

AN ACT to prohibit the sale of spirituous liquors in Fulton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That from and after the time when this act takes effect, it shall not be lawful for the county court or county

Made unlawful to grant license or to sell liquors in said county except as a medicine.

1874.

Persons having
license may sell
until license ex-
pires.

judge or county clerk of Fulton county, or the mayor and council, or the board of trustees of any city or town, to grant a license to any person or persons to sell wine, whisky, brandy, or any spirituous, vinous, or malt liquors, or any mixture thereof, within the limits or jurisdiction of Fulton county; nor shall it be lawful for any tavern-keeper, merchant, saloon, or coffee-house keeper, or keeper of billiard table, to sell, give, or loan such liquors in any quantities whatever, except it be for medical use, and then only upon the written certificate of a practicing physician: *Provided*, That any person who, in good faith and legally, may have obtained a license to retail spirituous liquors, as authorized by law, may continue to do so until the expiration of the time for which such license was granted.

Penalty.

§ 2 That any person selling liquors in violation of the foregoing section shall be fined not less than one hundred dollars nor more than three hundred dollars for each offense; and any person giving or loaning in violation of said section shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, to be recovered on an indictment of the grand jury of said county; the fines in all cases to be assessed by a jury, and in no case to be compromised or dismissed by the Commonwealth's Attorney, or any other person. The fines thus recovered are to be collected as other fines now are.

Fines—how
assessed and col-
lected.

County court to
license druggists
to sell as medi-
cine, upon giving
bond to observe
this law.

§ 3. That the county court of Fulton county may license two or more druggists in said county to sell said liquors for medicinal purposes, who shall execute bond, with good security, in said court, that he will not violate any of the provisions of this act; that he will not sell, give, or loan such liquors, except under the written prescription of a regular practicing physician, who shall certify that it is necessary for medical purposes. Any person injured by a breach of said bond may sue thereon and recover such damages as such party may prove; and one recovery thereon shall be no bar to other suits by any party damaged.

Person injured
by breach may
sue on bond.

Physicians not
to grant certifi-
cates to use
liquors as bever-
age.

Physicians to
take oath, and
taking of oath
to be recorded.

§ 4. That it shall not be lawful for any physician of said county to grant a certificate to any one for the purchase of any such liquors as a beverage, but only for use as a medicine; nor shall he grant such a certificate until he shall have taken an oath before the county judge or some justice of the peace in said county that he will, in good faith, conform to the provisions of this act; of the taking of such oath a record shall be made in the Fulton county court.

§ 5. That all laws or parts of laws, whether general or special, giving the county court or county judge or county court clerk of Fulton, or any mayor and council or board of trustees of any city or town, or any other person or persons in said county, power and authority to grant license to sell spirituous, vinous, or malt liquors, be, and the same is hereby, repealed.

1874.

All laws allowing licenses to be granted repealed.

§ 6. This act shall take effect and be in force when ratified by a majority of the legal and qualified votes cast at an election, to be held at all the election precincts in said county, as hereinafter provided, at which all legal voters shall be entitled to vote; and it shall be the duty of the clerk of the county court in said county to prepare a poll-book for each election precinct or civil district in said county, making two columns on each page; at the head of the first column shall be written the words "For Prohibition," and in the other column "Against Prohibition;" and cause the said poll-books to be delivered to the officers appointed to hold said election; and the sheriff of said county is directed to give at least fifteen days' notice of said election by posting up, at least in two public places in each voting precinct, printed or written advertisements of the same; and the county judge of said county is directed to appoint suitable and proper officers to hold said election, who shall in all respects be governed by the laws now in force in reference to elections; and when the poll-books are returned to the office of the county clerk, the examining board shall compare the same, and if it appears that a majority of the votes cast are for prohibition, the same shall be so certified by the board of examiners to the Fulton county court, and the county judge shall cause an order to that effect, as well as said certificate, to be entered on the order-books of said court, at its first term after said election.

Act to be submitted to people.

Regulations as to the said election.

§ 7. That, upon the petition of twenty-five bona fide citizens of said county to the county court of said county, said county court shall direct the sheriff of said county to open and hold an election at all the voting places in said county, on such day as the county judge may designate, at least twenty days after making said order, for the purpose of taking the sense of the qualified voters of said county as to whether or not a license shall be granted to any person to retail spirituous, vinous, or malt liquors as a beverage in said county, in less quantities than one barrel; but said election shall not be ordered or held on the same day of any other election in said county.

Upon petition county judge to order election on notice.

§ 8. That in event at the first election held under this act a majority of the votes cast should be against prohibition, the question may be again submitted to the legal voters of Fulton county, by an order of the county court

If prohibition fails, after one year may be again submitted to people.

1874.

If prohibition
carries, then act
to be of full force.

of said county, under the same regulations and requirements as hereinbefore set forth; and if a majority of the votes cast in said last election should be for prohibition, then this act shall be in full force and effect; but a second election shall not be ordered or held in less than one year after the first election, nor unless the petition therefor to the county court be signed by at least one hundred qualified voters of said county.

Election to be
held on three
weeks' notice in
newspaper.

§ 9. That no election under this act shall be held until the same shall be thrice published in a newspaper having the largest circulation in Fulton county, for three several weeks immediately preceding said election.

Petitioners to
pay expenses of
election.

§ 10. That the expense of said publication, and all other expenses pertaining to said elections, shall be paid for by the parties petitioning the county court for the holding of the said elections.

Approved February 16, 1874.

CHAPTER 300.

AN ACT regulating the transfer of stock in the real estate associations of Jefferson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Stock to be trans-
ferable by written
assignment, de-
livery, and record
in association.

§ 1. That the stock certificates, or other evidences of the ownership of stock in said associations, shall be assignable and transferable by the written indorsement, and delivery thereof by the owner, and by a record of the assignment and transfer upon the books of the association.

§ 2. This act shall take effect from its passage.

Approved February 16, 1874.

CHAPTER 301.

AN ACT to prohibit the sale of spirituous, vinous, or malt liquors in Garnettsville, Meade county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court to
order election on
question of pro-
hibiting sale of
liquors.

§ 1. That the county court of Meade county, at its April term, 1874, shall order an election to be held by the sheriff of said county on the first Saturday in May, 1874, within the precinct of Garnettsville; and to hold said election, said court shall appoint the place of voting, and appoint two housekeepers within said precinct to be judges of election, and a clerk of election; and the sheriff shall appoint a sheriff to attend said voting place; and

said election shall be held, returns thereof made, and the poll-books examined in all respects as in other elections. At which election all persons who are legal voters shall be entitled to vote, and persons voting illegally at said election shall be punished in the same manner as other illegal voters, under the laws of this State.

1874.

Election to be held under general laws.

§ 2. At the election provided for in the preceding section, the voters shall be called upon to vote "for" or "against" the prohibition of the sale of liquor; and if a majority of votes taken shall be for the prohibition, it shall be unlawful for any one to sell, in less quantity than one barrel, any spirituous, vinous, or malt liquors within said precinct: *Provided*, That any regular druggist may sell the same for medicinal purposes, upon the written prescription of a practicing physician.

Voters to vote "for" or "against" prohibition.

§ 3. That this act shall take effect from its passage.

Approved February 16, 1874.

CHAPTER 302.

AN ACT to amend an act to incorporate the Louisville Cement and Water-power Company, approved January 13th, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the second section of said act of incorporation of January 13th, 1866, be, and is hereby, so amended as to divide the capital stock of said company into shares of one hundred dollars each, instead of one thousand dollars, as provided in said act of incorporation.

Shares of capital stock to be \$100.

§ 2. That this act shall take effect from its passage.

Approved February 16, 1874.

CHAPTER 303.

AN ACT for the benefit of Green Ridge Churches, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall not be lawful for any person or persons to sell spirituous, vinous, or malt liquors; or a mixture thereof, within one and a half miles of Green Ridge Churches, in Logan county.

Made unlawful to sell liquors within one and a half miles of churches.

§ 2. Any person violating this act shall be subject to all fines and penalties now imposed by law for unlawfully selling or dealing in spirituous or other liquors.

Penalty.

§ 3. This act shall be in force from its passage.

Approved February 16, 1874.

1874.

CHAPTER 304.

AN ACT to amend an act, entitled "An act to establish tram-tracks or railways to navigable streams and railroads in Rockcastle county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish tram-tracks or railways to navigable streams and railroads in Rockcastle county," approved April 21st, 1873, be, and the same is hereby, amended by inserting after the words "navigable streams or railroad," in the fourth section of said act, the words "or coal or other mines."

§ 2. This act shall take effect from its passage.

Approved February 16, 1874.

CHAPTER 305.

AN ACT for the benefit of the Union Mills Turnpike Company.

WHEREAS, The Union Mills Turnpike Company made a mortgage of its rights, credits, and franchises to Thomas J. Robison and others, to secure an indebtedness incurred in the construction of said turnpike, and said mortgage has been foreclosed; and at the judicial sale made of the same John E. Patton, Jas. H. Bronaugh, Geo. S. Mitchell, James M. Gregg, Elijah B. Muir, and Jacob McConathy became the purchasers thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John E. Patton, James H. Bronaugh, George S. Mitchell, James M. Gregg, Elijah B. Muir, and Jacob McConathy, and their successors, are hereby created a body-corporate, and, under the name and style of the Union Mills Turnpike Company, may sue and be sued, contract and be contracted with, hold, enjoy, possess, sell, convey, and dispose of real and personal estate, not exceeding twenty thousand dollars in value.

§ 2. That the original act incorporating the Union Mills Turnpike Company, approved the 17th day of February, 1866, is hereby adopted as a part of this act.

§ 3. That the county court of Jessamine county, a majority of the magistrates composing the court concurring, and the trustees of the town of Nicholasville, are authorized and empowered to subscribe and take stock in the company created by this act.

§ 4. This act to take effect from and after its passage.

Approved February 16, 1874.

Corporators' names.

Name and style.

Corporate powers.

Original act made applicable.

County court and town of Nicholasville may take stock.

CHAPTER 306.

1874.

AN ACT to revise and amend the charter of the city of Newport.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the territory of Kentucky included within the following boundary, to-wit : beginning at the junction of the Ohio and Licking rivers ; thence eastwardly with said Ohio river to the eastern line of the Manufacturing Company's addition ; thence with the eastern and southern lines of said Manufacturing Company's addition to a point where the western line of Taylor's lane, if extended straight northwardly, would intersect the same ; thence with the west line of said Taylor's lane south fifty-four degrees east to a point on the Covert Run Turnpike ; thence south thirty-nine and one half degrees east to said Taylor's post-and-rail fence at the foot of the hill ; thence south thirty and one half degrees west to the eastern line of Monmouth street, the same being the southwest corner of said Taylor's turnpike addition ; thence with said eastern line of Monmouth street southwardly to the line of division between Tibbatt's addition to the city of Newport and the hill lot of A. L. Berry, where the old Licking road formerly opened on the turnpike road ; thence westwardly along the dividing line between said tracts to John street, if extended ; thence northwardly along the west line of John street, if thus extended, to the center line of Liberty street ; thence with said center line of Liberty street westwardly to the center line of Central Avenue extended ; thence with said center line of Central Avenue extended southwardly to the dividing line between the Trustees' addition to the city of Newport and General James Taylor's house or Bellevue tract ; thence with said dividing line westwardly to the Licking river ; thence with said Licking river northwardly to the place of beginning, shall be, and the same is hereby, constituted the corporate limits of the city of Newport, and the inhabitants thereof are hereby declared and continued a body-corporate and politic, with perpetual succession, by the name and style of the city of Newport ; and in that name may contract and be contracted with, sue and be sued, and do all acts and things as municipal corporations may lawfully do ; and may have and use a corporate seal, and the same to alter and renew at pleasure. And the jurisdiction of said corporation shall be concurrent with the State of Kentucky over the waters of the Ohio river opposite to and bounding said city on the north, and with the county of Kenton over the waters of the Licking river opposite to and bounding said city on the west, save and except, however, that the arsenal grounds of the

Boundary.

1874. United States, containing five acres and six square poles within said boundary [see act of the General Assembly approved December twenty-sixth, eighteen hundred and three (1803)], shall not be subject to the jurisdiction of said corporation so long as the same shall be so held and occupied.

City vested with all rights pertaining to town of Newport.

§ 2. Said city shall have and is hereby vested with all the rights, titles, interests, powers, and authority which were vested in, possessed, and held by the original trustees of Newport and their successors, the board of mayor and trustees, the president and trustees, and the president and common council of said town or city, or in any other manner held for or by said town or city; but the said rights, &c., shall be held for the same purposes, and subject to the same trusts as heretofore. That all the streets, alleys, roads, lanes, commons, market spaces, public squares, public buildings, public landings, and wharves, and all other public property in said city, be, and the same is hereby, vested in said city as now established; and whenever any of the land bounding and adjacent to said city shall be added thereto, and made part thereof, the streets, alleys, &c., thereby dedicated to public use shall thenceforth be vested in said city, and be subject to the laws thereof; and certified copies of all plats of lots, streets, alleys, market spaces, wharves, and other grounds for public use heretofore recorded, and which may hereafter be recorded, shall be received as evidence in all the courts; and the recording of any plat shall be held to be a dedication of the streets, alleys, market spaces, and other grounds therein designated for public use.

City laid off into wards.

§ 3. Said city shall be, and is hereby, divided and laid off into six wards, to be known and designated as the First, Second, Third, Fourth, Fifth, and Sixth Wards, and bounded respectively as follows, to-wit:

Boundary of first ward.

First Ward. Beginning where the center line of York street extended intersects the Ohio river; thence southwardly with said center line to the center of the intersection of said York and Madison streets; thence eastwardly with the center line of Madison street extended to the western line of Taylor's lane; thence northwardly with said western line of Taylor's lane extended to the southern line of the Manufacturing Company's addition; thence with the southern and eastern lines of said Manufacturing Company's addition to the Ohio river; thence westwardly with the Ohio river to the place of beginning.

Boundary of second ward.

Second Ward. Beginning where the center line of York street extended intersects the Ohio river; thence southwardly with said center line to the center of the intersection of York and Madison streets; thence westwardly

with the center of Madison street to the Licking river; thence northwardly with the Licking river to the junction thereof with the Ohio river; thence eastwardly with the Ohio river to the place of beginning, excepting, however, the arsenal grounds described in the first section hereof. 1874.

Third Ward. Beginning at the center of the intersection of York and Madison streets; thence eastwardly with the center line of Madison street extended to the western line of Taylor's lane; thence, with the western line of Taylor's lane south fifty-four degrees east to a point in the center of Covert Run Turnpike; thence south thirty-nine and one half degrees east to a point where the center line of Ringgold street extended would intersect the same; thence with said center line of Ringgold street extended westwardly to the center of the intersection of Ringgold and York streets; thence with the center line of York street northwardly to the place of beginning. Boundary of
third ward.

Fourth Ward. Beginning at the center of the intersection of York and Madison streets; thence with the center line of York street southwardly to the center of the intersection of York and Ringgold streets; thence westwardly with the center line of Ringgold street to the center of the intersection of Ringgold and Isabella streets; thence with the center line of Isabella street northwardly to the center of the intersection of Isabella and Goodman streets; thence with the center line of Goodman street westwardly to the Licking river; thence with the Licking river northwardly to the center line of Madison street; thence with the center line of Madison street eastwardly to the place of beginning. Boundary of
fourth ward.

Fifth Ward. Beginning at the center of the intersection of York and Ringgold streets; thence with the center line of Ringgold street extended eastwardly to the eastern line of the corporation; thence with said eastern line south thirty-nine and one half degrees east to Taylor's post-and-rail fence at the foot of the hill; thence south thirty and one half degrees west to the eastern line of Monmouth street, the same being the southwestern corner of "Taylor's Turnpike addition;" thence with said eastern line of Monmouth street to the line of division between Tibbatt's addition to the city of Newport and the line lot of A. L. Berry, where the old Licking road formerly opened on the turnpike road; thence westwardly along the dividing line between said tracts to John street, if extended; thence northwardly along the west line of John street, if thus extended, to the center line of Liberty street; thence with said center line of Liberty street westwardly to the center Boundary of
fifth ward.

1874. line of York street; thence with the center line of York street northwardly to the place of beginning.

Boundary of
sixth ward.

Sixth Ward. Beginning at the center of the intersection of York and Ringgold streets; thence with the center line of York street to the center line of Liberty street westwardly to the center line of Central Avenue; thence with said center line southwardly to the dividing line between the Trustees' addition to the city of Newport and General James Taylor's house or Bellevue tract; thence with said dividing line westwardly to the Licking river; thence with the Licking river northwardly to the center of Goodman street extended; thence with the center line of Goodman street eastwardly to the center of the intersection of Goodman and Isabella streets; thence with the center line of Isabella street southwardly to the center of the intersection of Isabella and Ringgold streets; thence with the center line of Ringgold street eastwardly to the place of beginning. The board of councilmen may, from time to time, so change the boundaries and number of wards of said city, as the additions thereto and an equalization of the population may require; but no change shall be made therein except by ordinance concurred in by a majority of the members elected to said board, upon a call of the yeas and nays, and passed ninety days previous to a general municipal election, nor shall the wards in said city exceed six in number until the qualified voters thereof shall exceed three thousand.

Council may
alter or change
wards.

Legislative, Executive, and Ministerial.

Legislative,
executive, and
ministerial
powers—in whom
vested.

§ 4. The legislative, executive, and ministerial power of said city shall be vested in a mayor and a board of councilmen, consisting of two members from each ward, a city clerk, treasurer, attorney, engineer, marshal, physician, assessor, market-master, weigher and measurer, wharf-master, and jailer (and such necessary deputies or assistants as may be required), each to possess the qualifications and serve for the terms hereinafter prescribed.

Qualifications of
councilmen.

§ 5. No person shall be eligible as member of said board of councilmen who is not a male citizen of the United States, twenty-five years of age, a housekeeper, or owner of real estate, and who has not been a bona fide resident of the city for three years, and of the ward for which he shall be elected for one year next preceding his election, or who holds any other civil office, or who shall, directly or indirectly, be interested in any contract, written or parol, wherein the city shall be a party, or who is, directly or indirectly, interested in or connected with any firm or corporation, who shall contract with said city, the terms, rates, or conditions of which may be subject to modifi-

cation or enforcement by said board, or who shall be in arrears for any money collected or held by him, without settlement or quietus therefor; and should any member of said board, subsequent to his election, become disqualified from any of the foregoing causes, his office shall thereupon become vacant, and shall be filled as herein provided. Said board shall make rules, provide tribunals for the trial and determination of contested elections for all elective city officers and members of the board of education and of the board of councilmen; but the board shall be the judge of the qualifications and returns of its own members; and said board may, upon being duly qualified therefor, be organized as a court to hear and determine all charges that may be preferred against the official conduct of any of the officers of said city, and if found guilty, reprimand, suspend, or, by a two-third vote, expel the accused. A majority of the members of said board shall constitute a quorum to transact all ordinary business, and although a less number may adjourn, from time to time, to compel the attendance of absentees, yet the passage of an ordinance, the execution of a contract, or the appropriation of money, to the amount of one hundred dollars, shall be only valid when concurred in by a majority of all the members elected to said board, upon the call of the yeas and nays; but every proposed ordinance, resolution, or execution of a contract, incurring an appropriation exceeding one hundred dollars, passed by the board of councilmen, shall be presented to the mayor, and if he approve, he shall sign the same, it then shall become obligatory; but if he disapprove, he shall return the same with his objections, in writing, to said board, at their next regular meeting; and if, upon reconsideration, two thirds of the members elect, upon a call of the yeas and nays, concur in adopting it again, it shall be obligatory. Should the mayor fail to present his objections within the time provided herein, the same shall be obligatory as if signed. The members of said board shall each receive for their services the sum of three dollars for each regular meeting of said board which they shall attend, but no other compensation or reward shall any member receive for special or adjourned meetings, or for any other services rendered by them as members of said board; the regular meetings of said board shall be held once in every two weeks. All ordinances shall be read and submitted for discussion at two regular meetings of said board, and concurred in by the requisite number of members thereof: *Provided, however,* That the rules, as to the reading at two regular meetings, may be suspended by a vote of two thirds of the members elect of said board. No ordinances shall embrace more than one

1874.

How member
may vacate of-
fice.

Board to deter-
mine contested
elections.

May try and re-
move officers for
misconduct.

Quorum.

Appropriations
to be made only
on call of yeas
and nays.

Compensation
of members of
board.

How ordinances
to be passed.

1874.

subject, and that shall be expressed in its title, nor shall any ordinance be altered or amended, but may be repealed; before general ordinances shall take effect and be enforced, the same shall first be published by posters or otherwise.

Board may prescribe oaths, bonds, &c., of officers.

May appoint board of health.

May provide prison, poor-house, work-house, a station-house, & govern same.

May prohibit stock from running at large.

May make police regulations.

May abate nuisances.

May prohibit manufacture of explosive substances.

May provide fire apparatus.

§ 6. Said board shall have power to prescribe by ordinance the duties, oaths, and bonds of all officers of the city; they may, when deemed necessary, appoint a board of health, and may confer thereon all the power at their command necessary for the prevention or abatement of malignant, contagious, or dangerous diseases; and they may provide a pest-house in which they may have persons placed who are infected with such diseases, subject to such regulations as they may prescribe. To provide and control a city prison; erect or procure suitable buildings for a poor-house, work-house, and police station, and may appoint the necessary officers to manage and supervise the same; apartments shall be provided and kept distinct, wherein the infirm and indigent shall be placed apart from vagrants and persons confined for the commission of crime. To prohibit hogs, cattle, and other animals from running at large in the streets or public places of the city. To provide means for the suppression of tippling-houses, gambling-houses, hawdy-houses, or houses of ill-fame, unauthorized lotteries, policy offices, and such other houses as are the common resort of idle, dissolute, and disorderly persons; for the suppression of riots, disturbance of religious assemblies, or of the public peace, clamors in streets or public places, and indecent or licentious conduct, and the suppression of every thing of an unlawful character. They shall have power to cause the removal or abatement of any nuisance on private property within the limits of said city, and to proceed, after due notice, to remove or abate the same at the cost and expense of the owner or occupant thereof, including penalties and costs, when said owner or occupant shall fail to comply with such ordinances as said board may adopt in relation thereto; and said expenses, penalties, and costs shall constitute a lien upon such property, and may be enforced in a court of competent jurisdiction as other liens are enforced: *Provided*, That said expense of said removal or abatement shall not exceed twenty-five per cent of the value of said property, to be estimated after the work is done. To prohibit the manufacture of gunpowder or other explosive, dangerous, or noxious compounds or substances in said city, and to regulate their sale and storage by license. To provide, maintain, and control steam fire engines, hose, hose-carriages, horses, harness, buildings for, and all appurtenances necessary to constitute an efficient fire department, and to employ the

requisite number of men to manage and operate the same, who may be vested with police powers when deemed expedient by said board. To construct, maintain, and operate gas and water-works, and to pass all ordinances necessary to regulate the same, provided that no existing contract shall be affected thereby. To establish and regulate markets, market-houses, and market spaces, wharves, landings, &c., and to fix the rates for the use and occupancy thereof. To have exclusive control of, establish, regulate, and change the grade of all streets, lanes, alleys, side-walks, wharves, and all public thoroughfares and grounds within the limits of said city; to widen or extend the same, and to open new streets, &c., when the same shall become necessary for the benefit of the public. To prohibit the erection of wooden buildings when permanent buildings may be endangered thereby, and require every person to obtain a permit before they shall erect any building in said city. To provide for the indexing of streets, and for the numbering of houses, vehicles, &c., and to prescribe fines and penalties for failure to comply therewith.

1874.

May construct
gas and water-
works.

May maintain
markets, market-
houses, wharves,
&c.

May change
grade and widen
streets, &c.

May prohibit
erection of
wooden build-
ings.

May index
streets, number
houses, vehicles,
&c.

May levy & col-
lect taxes.

§ 7. Said board shall also have power to cause to be annually levied, collected, and paid into the city treasury, an ad valorem tax on the real, personal, and mixed estate within the limits of said city subject to taxation by the city under the laws of the State, except as hereinafter provided. Said tax shall not exceed two dollars on each one hundred dollars' valuation, at a fair cash value, upon every class or description of property. Merchants and others paying a license or specific tax on their business or calling shall be exempt from an ad valorem tax thereon: *Provided*, That nothing in this section, or any other section of this act, shall be construed to abrogate or modify a contract between the city of Newport and Col. James Taylor, made January 28th, 1869, or to repeal or modify an act, entitled "An act to extend the limits of the city of Newport," approved March the 4th, 1869, chapter seventeen hundred and forty, enacted in pursuance of said contract.

§ 8. They shall have power to provide by ordinance for the following annual specific taxes or licenses, to be paid into the city treasury, by those doing business in said city, and who do not pay an ad valorem tax thereon, and to prescribe the penalties for doing business without the required licenses:

May license and
tax as follows.

Manufacturers, merchants, and dealers in goods, wares, or merchandise of whatever kind, not to exceed one thousand dollars.

Manufacturers,
&c.

Each tavern, hotel, coffee-house, club room, or any other establishment, wherein malt, fermented, vinous, or

Taverns, coffee-
houses, &c.

1874. spirituous liquors are retailed, not less than fifty dollars nor more than three hundred dollars.
- Livery stables, &c. Each livery-stable, and each dealer in live stock, not less than ten dollars nor more than two hundred dollars.
- Distillers, &c. Each brewer and distiller, not less than fifty dollars nor more than five hundred dollars.
- Dealers in wood, coal, &c. Each dealer in wood, lumber, coal, stone, lime, sand, brick, or cement, not less than ten dollars nor more than two hundred dollars.
- Peddlers, hucksters, &c. Each hawker, huckster, or peddler, not less than five dollars nor more than one hundred dollars.
- Auctioneers, &c. Each auctioneer, pawnbroker, real estate agent, or street broker, not less than five dollars nor more than twenty-five dollars.
- Insurance, express, and lottery companies. Each insurance company, lottery, intelligence, claim, commercial, express, exchange, or gift enterprise office or agency, not less than ten dollars nor more than one thousand dollars.
- Banks, &c. Each bank and broker shall pay double the amount paid to the State, and no more.
- Shows, &c. Each concert, circus, menagerie, theatrical, or other exhibition or entertainment, where an admission fee is charged, not to exceed fifty dollars per day.
- Exhibition halls, &c. Each hall or other building, where such amusements are held, not less than fifty dollars nor more than two hundred dollars per annum: *Provided*, That exhibitions, &c., held in licensed halls, be exempt from further license.
- Hacks, &c. Each vehicle, owned or held for profit or hire, and not otherwise taxed by the city under a license, not less than two dollars nor more than ten dollars.
- Dog and goats. Each dog or goat, not to exceed five dollars per annum. And said board may, in like manner, provide for the levying and collection of a specific tax or license on every other business or calling not herein enumerated, and classify and grade each business, profession, or calling, subject to said tax or license, and fix the rate thereof within the minimum and maximum herein stated, and determine how the same shall be collected and paid: *Provided*, That this charter shall not be so construed as to authorize the city to tax any property exempt by the laws of the State; and to provide for the listing for taxation of any establishment or business subject to taxation which may have commenced or opened subsequent to the time fixed for said assessment.

Assessment, Equalization, and Collection of Taxes.

§ 9. The assessment of the taxes herein provided shall be made and valued as of the 10th day of January of each year, and a return thereof made on or before the

When taxes to be assessed.

second Monday in March of each year, on which day the books of the assessor shall be returned to the office of the city clerk, and there remain open to the free and unrestricted inspection of all persons concerned, for the space of fourteen days; and said books shall then be delivered to a board hereby created, and styled the "Board of Equalization," to consist of the mayor, who shall be *ex-officio* the president thereof, and three citizens possessing all the qualifications of the assessor, and be freeholders of said city, to be elected by the board of councilmen, from six qualified persons nominated to said board by the mayor. Said "Board of Equalization" shall convene at the council chamber on the first Monday in April of each year, and continue in session during the business hours of each day until the fourth Monday in April, if necessary. It shall be the duty of said board to examine with care all tax lists in the assessor's books, and correct any and all errors therein discovered by them; and where they shall be of opinion that any property has been incorrectly valued, to equalize and enter on said books, opposite said entry, its proper value; but before they shall increase the assessed value of any property, they shall prepare and issue to the owner or agent thereof a notice, in writing, containing a brief description of the property, with its assessed value, and the proposed increase thereof, with summons to appear before said board on a day to be therein named, and show cause why said increase should not be made; said notices to be served by the marshal or his deputy, and a reasonable time shall be allowed for the serving of and response to said notices; and should said owner or agent fail or refuse to appear, or to show cause, said board may determine such case from the best evidence before them; and should any person feel aggrieved at the valuation of his, her, or their property, they may present their complaint before the said board, who shall examine the same, and affix such value as the law and evidence will justify. Said board shall, upon satisfactory information, receive and enter the tax list of any person omitted by the assessor for that or for two years next preceding; and they shall have like powers with the city judge to compel the attendance and testimony of the assessor, and such other witnesses as may be necessary in the proper discharge of their duties. Said board shall keep a record of their proceedings, embracing all corrections and alterations made by them in the books of the assessor, which record and books, duly certified, shall then be returned to the board of councilmen, who shall thereupon pass an ordinance for the levying and collection of taxes for that year, and direct the city clerk to make out the tax bills in accordance with the cor-

1874.

Board of equalization.

Duties of said board.

1874.

How tax bills to
be disposed of.

Treasurer to give
notice that tax
books are in his
hands.

Delinquents—
how proceeded
against.

rected lists as returned by the board of equalization. Said tax bills shall be made out in a book, to be provided for that purpose, with stub attached, which will be a duplicate in brief of the tax bill against each person assessed with taxes, specifying therein each item of taxation, the value thereof, and the tax imposed; and when taxes are levied upon property of persons unknown, a separate tax bill shall be made out for each lot or parcel of ground taxed; said tax bills shall be each for half yearly payments, due and payable one half on or before the 15th day of June, and the other half on or before the 15th day of December of each year. The city clerk shall, within thirty days after said bills are ordered to be made out, deliver the same to the city treasurer for collection, taking his receipt for the gross amount of taxes contained in said bills. The treasurer, upon receipt thereof, shall post notices in each ward of said city that the tax bills for the current year are in his hands for collection, and that payment is required to be made, one half on or before the 15th day of June, and the other half on or before the 15th day of December as aforesaid, and that in default of payment the prescribed penalty will attach thereto. Payment of all tax bills shall be officially indorsed by the treasurer, and all tax bills due on the 15th day of June remaining in his hands unpaid on the 1st day of July, and those due on the 15th day of December remaining unpaid on the 1st day of January, shall be indorsed by him "delinquent," and within five days after said 1st day of July and 1st day of January returned to the city clerk, who shall thereupon enter a credit therefor upon the treasurer's receipt, and then add to said tax bills such penalty as may be prescribed by ordinance, not exceeding fifteen per cent., and redeliver the same to the treasurer, who shall receipt therefor; and all delinquent tax bills remaining unpaid shall, with the penalty thereon, be added to the next semi-annual tax bill on the same property, and shall constitute one of the items thereof, and shall so continue to be added until paid; and a lien in favor of the city shall exist, and continue upon said property for all the taxes, penalties, and costs, until the same are fully paid; and the city may, at any time, when it shall deem the amount of said delinquent taxes, penalties, and costs will justify, institute proceedings in a court of competent jurisdiction to enforce said lien as other liens are enforced, and with like effect.

Police.

Council to pro-
vide and main-
tain police.

§ 10. Said board of councilmen may provide and maintain such police force, with distinction of grade and uniform, as they may, from time to time, ordain; and shall

pass such laws and ordinances as may be necessary for the good government and general police of said city. Said police force shall be comprised of persons having the qualifications hereinafter prescribed for city marshal, and shall be elected before the first day of February, annually, by a board of commissioners consisting of the mayor, who shall be *ex-officio* president thereof, but shall have no vote, and three citizens, to be selected by the board of councilmen, as follows, to-wit: on the first meeting in January of said board, after the adoption of this charter, they shall elect three persons having the qualifications of voters of said city as said board of police commissioners, one of whom shall serve for three years, one for two years, and one for one year; and they shall in like manner, annually thereafter, elect one qualified person to serve for three years. Said board of commissioners shall hear and determine all complaints and charges preferred by or through the mayor or chief of police against the conduct or character of any member of said police force, and they may, when the evidence will justify, dismiss the guilty party from said force; and in case of vacancy by death, resignation, dismissal, or otherwise, they may fill the same for the unexpired term. Said board shall keep a record of their proceedings, and shall report all elections, suspensions, and dismissals made by them in said police force to the board of councilmen, for their information, at their first meeting thereafter. The city marshal shall be *ex-officio* chief of police, subject, however, to the order of the mayor in cases of emergency, who may then exercise a supervisory control over said police force, and swear in such number of special police as the safety and interests of the city may require.

1874.

Qualifications of policemen.

Police board—when and how elected, and term of office.

Powers and duties of said board.

Education.

§ 11. Said city of Newport shall continue to maintain a system of public schools at which all white children residing in said city, between the ages of six and twenty years, may be taught at the public expense. Said schools shall be under the control of a board to be styled the Board of Education, consisting of a president, to be elected by the qualified voters of said city, and two trustees elected from each ward thereof. Said board of education shall continue, and they are hereby declared, a body-politic and corporate, under the name and style of the Board of Education of Newport, with perpetual succession; and by that name may contract and be contracted with, sue and be sued; have and use a corporate seal, the same to alter or renew at pleasure; may purchase, receive, hold,

City to maintain public schools.

Board of education created.

Powers & duties of said board.

1874.

and dispose of real and personal estate, the board of councilmen concurring therein. The control and management of said schools, and the property and funds thereunto belonging, shall be vested in said board subject to the provisions of this charter; they shall have power to make by-laws and rules, not in conflict herewith, necessary for the discharge of their duties and the government of their proceedings; they shall meet once in each month, and oftener if necessary; but it shall require a majority of said board to form a quorum for the transaction of business; and for the appropriation of money, or the execution of a contract, the concurrence of a majority of the members elect of said board shall be indispensable, upon a call of the yeas and nays to be entered on the records. The meetings of said board shall be held in some public place, and a correct record of their proceedings shall be kept in a book provided for that purpose, to which the citizens of Newport shall have access. The returns of election of the president and members of said board shall be returned with the election returns of other city officers to the election board hereinafter provided. Said board of education shall, however, be the judge of the qualifications and returns of its own members; and when a special election is held, the expense thereof shall be defrayed out of the school fund; they shall have the power to fill, until the next general election, all vacancies in said board occasioned by death, removal, or otherwise. Said board shall, from applicants holding certificates of their competency and good moral character, annually elect the necessary superintendent, principals, professors, and teachers, regulate and fix their salaries, and may at any time suspend or dismiss them. They shall prescribe the branches of education to be taught, the necessary qualifications, and the mode of examination, and the number of pupils to be annually admitted to each school; they shall fix the boundaries of districts within which children shall be admitted to each school; but a majority of said board may permit children residing in one district to attend school in another. All children entitled shall have equal rights of admission to and benefits of said schools, wherein no catechism or other form of religious belief shall be taught or inculcated, nor shall any class-book be used therein which reflects upon any religious denomination or sect; neither shall any of said schools be so conducted as to interfere with the religious faith or creed of either parents or pupils. Said board shall, at the end of each scholastic year, prepare and cause to be published a written or printed statement, showing the number of admissions in, expulsions from, and present number of pupils in each school, with the general condition

Qualifications
of scholars.

Board to make
annual report.

and the educational progress made therein, the amount, character, and condition of all funds and other property belonging to said schools, together with such other information as may be proper and necessary for the benefit of said schools and the general public. Said board shall, on or before the second Monday in April of each year, approximately ascertain the amount of money necessary to be used in defraying the expense of maintaining the schools, improving or constructing buildings, &c., thereof, and in liquidation of liabilities during the current fiscal year, and report the same, together with the amount to be received from the common school fund of the State of Kentucky, to the board of councilmen, who shall thereupon make the necessary levy and apportionment to defray said expenses and liquidate said liabilities: *Provided*, That said levy shall not, in any one year, exceed thirty cents on each one hundred dollars' valuation as returned by the board of equalization on the taxable property in said city: *And provided further*, That this section shall not be so construed as to prevent said board from receiving or expending any sum or sums that may come to them by gift, devise, or by any law of the State. Said board shall have power to admit to said schools pupils from beyond the limits of the city, and may collect therefrom tuition fees for the benefit of the school fund of said city, making an equitable deduction for taxes for school purposes on property in said city paid by parents or children; and no children of persons residing beyond said limits shall be admitted as pupils in any of said schools, except on payment of such tuition fees as said board may require. Said board shall annually elect a secretary and treasurer thereof, and such other employees as they may deem necessary, and shall prescribe and fix the compensation of each, and may dismiss them at pleasure. They shall require and take from said treasurer such bond, with approved security, as they may deem necessary for the faithful discharge of his duties. There shall annually be appointed a board of examiners by the board of school trustees, to consist of not less than three nor more than five competent persons, whose duty it shall be to examine into the competency, qualifications, and necessary attainments of all applicants for a position as superintendent, principal, professor, or teacher in said schools: *Provided*, That no person shall be eligible to election as secretary or treasurer of said board of education, or as member of said board of examiners, who shall be employed in or connected with the public schools of said city. Said board may provide and set apart a portion of said school fund for the maintenance and support of separate schools, wherein all the colored children residing in said city, be-

1874.

Council to levy
tax for school
purposes.

Board to elect
officers and fix
their compensa-
tion.

Treasurer to
give bond.

Board of exam-
iners to be ap-
pointed, and their
duties.

May organize
colored schools.

1874.

How board of
education to be
elected.

tween the ages of six and twenty years, may be taught, in like manner as is herein provided for white children. Said colored schools shall, in proportion, be entitled to the same benefits, be governed by the same rules and regulations, and be subject to the same restrictions as the schools herein provided for white children. At the first general election under this charter there shall, in each ward of said city where the term of the trustee of said schools shall then or has expired, or in the wards hereby created, be elected by the qualified voters thereof two persons as members of said board of education; the one receiving the highest number of votes for the term of two years, and the other for the term of one year; and in case both receive the same number of votes, the term of office shall be decided by lot; and in each ward where the term of the said trustee thereof has not expired, there shall in like manner be elected one person as member of said board. All persons elected under this section shall assume the duties of their offices at the time herein provided for the board of councilmen; and annually thereafter there shall be elected in like manner one person in each ward as member of said board. The trustees in office, whose terms have not expired when this charter is adopted, shall remain in office during the term for which they were elected, and until their successors are elected and qualified.

Public Ways.

Streets, alleys,
&c., to be under
control of council.

§ 12. Public ways, as used in this charter, shall mean all public streets, alleys, sidewalks, roads, lanes, avenues, highways, and thoroughfares, and shall be under the exclusive management and control of the board of councilmen of said city, with power to improve them by original construction, or reconstruction thereof, as may be prescribed by ordinance. Improvements as applied to public ways shall mean all work and material used upon them in the construction and reconstruction thereof, and shall be made and done as may be prescribed, either by ordinance or contract approved by said board.

Original Construction.

Regulations
concerning im-
provement of
streets, &c.

§ 13. Improvements in the original construction of any street, alley, lane, road, avenue, or thoroughfare, shall be made on the petition of the owners of a majority of front feet abutting on that part of the square or squares of the street, &c., to be constructed, or it may be done without such petition, if two thirds of the members of said board of councilmen shall concur therein, on a call of the yeas and nays, which shall be recorded on the journal. Said work to be done in such manner, and with such materials as

they may deem fit and proper, at the exclusive cost and expense of said owners of property abutting thereon, to be apportioned pro rata by said board, according to the number of feet owned by them respectively, by the assessment and levy of a special tax, at a rate per lineal foot of the real estate abutting on that portion of the street, &c., improved, and shall be due and payable within thirty (30) days after the completion of the work, and the acceptance thereof by said board. Said cost and expense shall attach, exist, and continue a lien against said real estate from the time the contract for said improvement is awarded until paid; and if payment thereof be not made within said thirty (30) days after the acceptance of the work, the contractor in whose favor said lien shall exist may enforce the same, with interest thereon, in any court having jurisdiction thereof. Errors in the proceedings of said board shall not exempt said owners from payment, after the work has been done, as required by ordinance or contract; but said board, or the court in which suit may be pending, shall make all necessary corrections, rules, and orders, and do justice to all parties concerned; but, in no event, if the ordinance providing for said improvement has been passed as required in this section, shall the city be liable for said improvement. The grade of the street, &c., to be improved shall be first established, and an estimate of the work required to be done thereon ascertained, before the ordinance providing therefor shall be passed, and the expense thereof fixed before any contract shall be entered into by the city for said improvement. Said grade, estimate, and expense shall be embraced in and form part of said contract, and the tax hereinbefore provided shall not exceed the amount stated in said contract, and for which alone said property shall be liable: *Provided, however,* That the cost of said improvement shall not exceed twenty-five per centum of the value of the property abutting thereon, to be estimated after the work is done. All work done and material furnished in the construction of said improvement shall be under and subject to the inspection, supervision, approval, or rejection of a board, consisting of the mayor, engineer, and chairman of the committee on improvements of said city, to whom all complaints of defective work or materials must be made, and who shall thereupon have said defective work or materials removed at the expense of the contractor, and have the same done and furnished in strict accordance with the ordinance and contract providing therefor; and they shall, at the next meeting of the board of councilmen thereafter, report said complaint, investigation had thereon, and disposition made thereof; and upon the completion thereof, said board of mayor,

1874.

1874. engineer, and chairman of the committee on improvements, shall furnish said board of councilmen, at their next meeting thereafter, with a certificate that said improvement is completed and accepted; and if said acceptance is concurred in by said board, they shall thereupon pass an ordinance, levying a special tax in favor of the contractor for the payment of the expense thereof as hereinbefore stated; and the city clerk shall thereupon furnish the contractor with a certified copy of said ordinance: *Provided*, That not less than one square of any street shall be improved at one time; and if more than one square shall be improved under one contract, the same may be accepted by squares, as they shall be respectively completed, and the expense thereof shall be levied and collected as though said square were an entire contract. Each subdivision of a street, &c., extending from one street to another running at right angles thereto, shall be deemed a square.

Reconstruction.

Reconstruction
of streets, &c.,
to be at public
expense

§ 14. The reconstruction, repairing, and cleaning of said "public ways" of the city, or any part thereof, shall be under the control and power of said board of councilmen, subject, however, to the following conditions, to-wit: they shall advertise for proposals for the execution of said reconstruction, and shall award the contract therefor to the lowest and best bidder, and take from the contractor a bond, with approved security, for the faithful performance of the conditions of his contract; the expenses thereof to be defrayed out of a fund provided for that purpose, to be known as the "General Street Fund." The mayor shall annually, at the first meeting of the board of councilmen in January, appoint a committee, to be styled the "Street Improvement Committee," to consist of one member from each ward and the city engineer. The duty of said committee shall be to examine thoroughly, during the first three months of each year, the condition of all streets, alleys, &c., designated by said city engineer for reconstruction or repair; and they shall, on or before the first meeting in April, report to said board of councilmen such streets, alleys, &c., as may require reconstruction or repairs, with the approximate cost thereof, recommending such material as may be deemed advisable. Upon the adoption of said report by a majority of said board, they shall pass the ordinance, &c., necessary therefor, prescribing therein the materials and manner of said reconstruction and repair. The cost of said reconstruction, repairs, and cleaning of said public ways shall not in any one year exceed the amount of revenue derived from the tax set apart for said "General Street Fund" for said year.

Mayor to ap-
point street im-
provement com-
mittee.

Their powers and
duties.

Sidewalks.

1874.

§ 15. The construction and reconstruction of all sidewalks in said city shall be made at the cost and expense of the owners of property fronting or abutting thereon, at such times, and in such manner, as the board of councilmen may prescribe by ordinance; and said board may, by resolution, have said sidewalks repaired, after having given the owners thereof a copy of said resolution for not less than ten days; and in case of refusal or failure of said owners, or their representatives, to have said work done in the manner; and within the time prescribed by said ordinance or resolution, said board may have said work done under contract with the lowest and best bidder, the cost and expense thereof to be assessed against and collected from said owners of property fronting or abutting on the sidewalk so constructed, reconstructed, or repaired; and said expense shall attach and exist as a lien in favor of the contractor against said real estate from the passage of the ordinance or resolution directing said work to be done until paid, which lien may be enforced by said contractor in a court having jurisdiction thereof, as other liens are enforced. Upon the completion and acceptance of said work, the necessary ordinance and certificate shall be passed and furnished, as is herein provided for the improvement of streets, and thereupon the owners of corner lots to bear the expense of sidewalk intersections adjoining their respective property, the liability of the city shall cease entirely.

Owners to pay
for construction
& reconstruction
of sidewalks.

Street Railroads.

§ 16. Said board shall prescribe by ordinance the terms and conditions upon which the public ways of said city may be used or occupied by street railroads of single track, with turnouts. Upon the passage of an ordinance establishing a route for a street railroad, and before any grant for the construction and operation of the same be made, public notice of said ordinance defining the route, and inviting proposals for carrying passengers at the lowest rate of fare, shall be published at least ten days in one or more papers printed or having the largest circulation in said city, nor shall any contract be entered into until the written consent of two thirds of the owners of front feet of property fronting or abutting on the proposed line of railroad be obtained. The construction of the street railroads shall be under the direction and control of the city engineer, subject to the order of said board, and shall conform to the grade of the streets, and shall be subject to removal or obstruction during the construction, reconstruction, or repairs of streets, and other public improvements, and to be replaced at the cost and

Board to fix
terms and condi-
tions upon which
street railroads
to be built.

Notice to be
given and propo-
sals invited for
carrying passen-
gers over street
railroads.

City engineer to
have charge of
construction of
street railroads.

1874. expense of the owners or operators of such railroad, without claim for damage for such removal or obstruction, all of which shall be explicitly stated in the grant or contract.

Water-works.

City may construct water-works.

May condemn lands for said purpose.

Bonds heretofore issued validated.

Tax to be levied, sinking fund maintained, &c., as now required by law.

Penalty for injuries to water-works or fixtures.

§ 17. Said city of Newport shall, by virtue of the authority heretofore granted, and hereby reaffirmed, have the power to complete, maintain, and operate water-works for the purpose of supplying said city, and such other cities, towns, communities, and individuals, in or out of the State, as may contract therefor, at rates prescribed by the board having control thereof, with water from the Ohio river; and for that purpose may purchase or condemn land or other material according to law. And all bonds heretofore issued by said city for and in the construction of said water-works, and appendages thereto, are hereby recognized, and the issue, terms, and conditions thereof ratified and confirmed; and the pledge of the city is hereby renewed therefor; and the board of councilmen of said city shall, as heretofore, provide for the levy and collection of an annual tax on all the taxable property in said city, for the operation of said works, for the payment of the interest on said bonds as the same shall become due, and for a sinking fund whereby said bonds, or any part thereof, may be redeemed at or before maturity; said sinking fund, and all excess of water rents over and above the actual expenditures incurred in operating said water-works, shall be and constitute a separate fund, to be under the direction and control of said board of councilmen; and no part thereof shall be expended or paid out, except upon warrants duly authorized by a majority of the members of said board, upon a call of the yeas and nays, signed by the clerk, and countersigned by the president of said board; and when said bonds shall be fully redeemed, said excess of water rents shall be applied to the liquidation of the general indebtedness of the city. If any person or persons shall wrongfully injure, mutilate, or destroy any of the fixtures, attachments, or appendages belonging to or connected with said water-works, or shall wrongfully cause the water to flow after it has been stopped, or shall throw or cause to be thrown filth or dirt into, or otherwise render impure the water used or furnished by said water-works, or shall in any manner interfere with said water, fixtures, &c., such person or persons shall, upon conviction thereof before a competent tribunal, be deemed guilty of a misdemeanor, and may be fined in any sum not to exceed one thousand dollars, or may be imprisoned not exceeding one year, or both fine and im-

prisonment, at the discretion of the jury; and it shall also in like manner be unlawful, and with like penalties, for any person or persons to erect, construct, or operate any slaughter-house, tannery, or other noxious or offensive establishment, or do any other thing to injure or render impure the water of the Ohio river, or of the tributary streams thereof, within two miles above the pumping-house of said water-works. This section shall in nowise be considered or construed as changing the law in relation to arson or house-burning, or willfully setting fire to any of the buildings or other structures heretofore or hereby authorized to be erected or constructed at or on said water-works. The management, control, and prudential affairs of, and connected with said water-works, shall be intrusted to and vested in a board of trustees, to be styled "The Board of Trustees of the Newport Water-works." Said board shall consist of the mayor as president thereof, but who shall have no vote therein, and three members possessing the qualifications of members of the board of councilmen. Said trustees shall be appointed by said board of councilmen until the first general municipal election under this charter, at which time there shall be elected, by the qualified voters of said city, three persons as said trustees, subject to the following classification, to-wit: the person receiving the highest number of votes for trustee shall be elected for six years; the person receiving the next highest number of votes shall be elected for four years; and the person receiving the next highest number of votes for two years; and in case two or more persons receive the same number of votes, the terms of office shall be decided by lot; and there shall in like manner be elected, every two years thereafter, one person as trustee, who shall serve for six years. All the powers, authority, and immunities heretofore conferred upon and vested in the city of Newport relative to said water-works shall be bestowed upon and vested in said board of trustees, except, however, that the authority to pass ordinances providing for the levy and collection of taxes for the operation of said works, the payment of the aforesaid bonds, and interest thereon, and the management of said sinking fund, shall be and remain vested in said board of councilmen. Said trustees shall, before entering upon the duties of their office, take such oath, and execute to the city such bond, conditioned as may, from time to time, be ordained by said board of councilmen. They shall keep a record of all their official acts and proceedings, and shall, semi-annually, or oftener, if required, make and render to said board of councilmen a full and detailed statement thereof; they may employ a secretary and such other assist-

1874.

Made unlawful to erect slaughter-houses, &c., so as to make impure the river water within two miles of pump-house.

Management of water-works to be under control of water-works trustees.

How trustees to be elected.

Powers and duties of water-works trustees.

1874.

ants as the duties of said board may require, and may, from time to time, fix and regulate their salaries. Said board shall be liable under their bond, and to removal for cause, by a court having jurisdiction thereof; and all vacancies occasioned by removal, death, resignation, or otherwise, shall be filled by the board of councilmen until the next general election. They shall annually, on or before the first day of March, submit to the board of councilmen an approximate estimate of the receipts and expenditures for the fiscal year, for the information and approval of said board. Before the execution of any agreement or contract by said board of trustees, incurring an expenditure in excess of the fund set apart for water-works purposes for the fiscal year, the same shall be concurred in by the requisite majority of the board of councilmen as herein provided. Said board of trustees shall receive, as compensation for their services, two hundred dollars each per annum. All money derived from water rents or other sources shall be paid to the city treasurer, who shall be the custodian of the water-works fund, to be drawn, when legally appropriated, upon warrants signed by the secretary, and countersigned by the president of the board of trustees.

Compensation of
water-works trustees.

Appropriations.

From what fund
appropriations to
be made.

§ 18. Appropriations for general and special purposes shall be paid out of such fund of the revenue as shall be collected and set apart for said purpose, and no other.

Wharves.

Board of council-
men to control
wharves, &c.

§ 19. Said board shall have power to establish wharves and a general system of wharfage on that portion of the Ohio and Licking rivers opposite to and bounding said city, and to pass all ordinances regulating the manner in which boats, rafts, and other water-craft shall anchor near or at said wharves, prescribe the terms and mode of collecting wharfage, the duties and powers of wharf-master, and the infliction of adequate penalties for violation of said ordinance.

Ordinances.

Board to pass
ordinances fixing
duties and com-
pensation of of-
ficers.

§ 20. The board of councilmen first elected under this charter shall, by ordinance, prescribe the duties, oaths, bonds, and compensation of all officers and agents of said city, in every branch of the government thereof, not otherwise provided in this charter; and the compensation so fixed shall not be increased, directly or indirectly, by gift, donation, or otherwise, for or during the term for which such officer shall have been elected or appointed; nor shall any officer, with the exception of city judge and

marshal, receive any fees, perquisites, or rewards, other than their salaries prescribed as aforesaid. 1874.

§ 21. And they shall have power to pass all ordinances and by-laws, not in conflict with this charter or the Constitution of this State, that may be necessary for the due and effectual administration of right and justice in said city, and for the better government thereof. They may affix such penalties for violations of ordinances, not to exceed one hundred dollars, or imprisonment in the work-house or jail not exceeding six months, or both, in the discretion of the court, for each offense, as they may deem the good order and welfare of the city may require. They may, by a unanimous vote, for good cause, remit fines, penalties, and forfeitures, or any part thereof: *Provided*, That such remission shall be effectual only so far as the city is interested therein. The style of all ordinances shall be: "Be it ordained by the mayor and board of councilmen of the city of Newport;" and no ordinance shall be binding without the signature and approval of the mayor, or passed by the concurrence of two thirds of said board when objected to by the mayor, or by the passage thereof by the legal majority when the mayor shall fail to present his objections thereto, as herein provided.

May affix penalties for violating ordinances, remit fines, &c.

Judicial.

§ 22. The judicial power of said city shall be and remain in the mayor's court heretofore established, which shall be a court of record; and the name thereof is hereby changed to the city court of Newport, to be hereafter held by a judge to be styled judge of the city court, who shall have all the qualifications of a judge of a county court, and be elected by the qualified voters of the city, at the same time, in the same manner, and for the same term, as the judge of the Campbell county court. He shall, *ex-officio*, be clerk of said court and the custodian of the seal thereof, but may appoint a deputy clerk. Said court shall have exclusive jurisdiction of all misdemeanors under the laws and ordinances of the city, and such other special jurisdiction as is hereinafter stated, and shall have all necessary power to effectuate the jurisdiction given. It shall also have the power and jurisdiction of an examining court of Campbell county, and to hear all complaints for breaches of the peace and require surety for the same, and commit to the work-house or jail; and for violations of the penal laws of the State or ordinances of the city, to impose such fines and penalties as may be prescribed by the laws of the State or the ordinances of the city, to the amount of twenty dollars, and with the intervention of a jury, or if jury be waived by party charged,

Police judge—his qualifications, election, power, and duties.

1874.

Actions to condemn lands, &c., may be brought in city court.

Court to be held daily.

Court to abate nuisances by warrant.

Jurisdiction in riots, &c.

to the amount of one hundred dollars, or imprisonment not to exceed six months. Said court shall have jurisdiction in cases of idiocy, lunacy, and vagrancy; may bind out orphan children, as also children of such persons as are disqualified, from their circumstances and habits of life, to train up said children in a proper manner, to hear and afford redress in all such cases, and may issue all processes that may be deemed necessary and proper in the due and efficient administration of justice in said jurisdiction, the same to be issued in the name of the Commonwealth of Kentucky, directed as in the Criminal Code of Practice required. Whenever the board of councilmen may deem it necessary and determine to condemn land or materials for opening, widening, or extending streets, lanes, alleys, roads, commons, wharves, public squares, market-spaces, water-works, or for other public purpose, in which said city shall be a party, the same powers and jurisdiction vested in and exercised by county courts, under the laws of the State, over the condemnation of lands in their respective counties, shall be, and the same is hereby, vested in said city court: *Provided*, That this charter shall not be so construed as to diminish, in any respect, the jurisdiction of the judge of the Campbell county court in like cases; and the laws regulating causes and appeals from the judgment rendered in county courts shall be applicable to said city court. Said court shall be open daily (Sundays and legal holidays excepted) for trial of causes and hearing complaints; and causes may be set for any particular day, and the process made returnable on any day therein named, or may be tried forthwith, when the nature of the case shall require: *Provided, however*, That violations of the laws and ordinances of the city shall have precedence of all other cases, and shall, if possible, be tried each court day between the hours of eight and eleven o'clock, A. M.; and if at any time information shall be given said court of any person who shall create, permit, or continue, on premises owned or occupied by him, her, or them, anything of an offensive character, which may by the common law, the laws of the State, or the ordinances of the city, be designated a nuisance, said court shall thereupon issue a warrant and cause the person accused of creating, permitting, or continuing such nuisance to appear before said court and answer said charge, and, upon conviction thereof, to inflict such penalty as may be prescribed by law or ordinance. Said court shall have concurrent jurisdiction with justices of the peace in cases of disturbing religious worship, riots, disorderly conduct, unlawful assemblies, and breaches of the peace, committed in said city, and within one mile of the limits thereof; and shall, as an examin-

ing court, have and exercise the power and perform the duties of two justices of the peace; take recognizances for appearance in said court, on any day named therein, in all cases cognizable in said court, as also recognizances in cases of felony, which shall be for an appearance in the criminal court. The judge of said court shall have concurrent jurisdiction with the judge of the Campbell county court in awarding and determining writs of injunction, *habeas corpus*, attachments, and in the administration of oaths. The judge of said court shall be a conservator of the peace within said county as circuit judges are in the State. Persons arrested under *capias pro fine* shall be committed to jail by said court until the same shall be paid, unless discharged by authority of law. Appeals from said court to the criminal court shall be allowed in all cases, when the same jurisdiction is exercised as by the justices of the peace, and where appeals would lie therefrom, and in all cases where the criminal court heretofore had jurisdiction an appeal may be taken to the Court of Appeals. Said court shall have concurrent jurisdiction with justices of the peace in all actions and proceedings for the recovery of money or personal property when the matter in controversy, exclusive of interest and costs, does not exceed fifty dollars in value, and concurrent jurisdiction with the circuit courts where the matter in controversy is over fifty dollars in value, but does not exceed one hundred dollars in value, exclusive of interest and costs. Appeals in all civil cases shall lie from said city court to the circuit or chancery court.

1874.

Jurisdiction in
injunctions, &c.Where appeals
from said court
to lie.Jurisdiction con-
ferred to amount
of \$100 & under.

Miscellaneous.

§ 23. All officers of said city, before entering upon the duties of their respective offices, shall each take the oath or affirmation of office required by law or prescribed by ordinance. Should any officer, elected by the entire city, remove therefrom during his term of office, or should any officer elected by, or from any ward of said city, remove from said ward, the office of the person so removing shall thereupon become vacant, and shall be filled as herein provided. Vacancies in any of the city offices, except that of marshal and city judge, occurring ninety or more days prior to a general municipal election, shall be filled by special election ordered by said board, notice thereof being published ten days prior thereto; and vacancies occurring less than ninety days prior to an election, may be filled by appointment of said board. Any officer of said city who shall make, or knowingly permit others to make, false entries in his books, or allow or disallow any items with intent to cheat or defraud said city, or any

Officers to take
oath.Removal from
city or ward to
vacate offices.How vacancies
to be filled.Penalty for
fraud or misman-
agement in officers.

1874.

Penalty for bribery.

Ordinances not affected by this charter to remain in force.

Officers now in office to serve out their terms.

Mayor to discharge duties of city judge until one is elected and qualified.

Board of councilmen to be divided into classes.

When first election to be held.

officer or person doing business therewith, or shall embezzle, use, or loan, or knowingly misapply, or withhold any money or property of any kind, belonging to said city, coming to his hands officially, shall, upon conviction thereof, be removed from office, be fined in any amount not to exceed the damage sustained, and be confined in the penitentiary not less than two nor more than ten years. Any officer of said city, in any capacity whatever, who shall give or receive any money, gift, or other thing of value, either directly or indirectly, for his vote or influence, or for the vote or influence of another in favor of or in opposition to any measure whatever, upon which he may officially act, shall be deemed guilty of felony, and, upon conviction thereof, be confined in the penitentiary not less than two nor more than ten years, and be disfranchised from holding any office of profit or trust in said city thereafter. All ordinances of the city of Newport now in force, and not in conflict with this charter, shall be and they are unaffected hereby, but shall continue in full force until repealed, as herein provided; and it is hereby provided and declared that all officers of said city, or any ward thereof, in office when this charter shall take effect, shall continue in office for and during the term for which they were respectively elected, and until their successors are elected and qualified; and the mayor shall continue to exercise the judicial powers and functions of his office, until the election and qualification of the judge of the city court, as herein provided. At the first election under this charter all the members of said board of councilmen shall be elected, and divided into two classes, as follows: the persons in each ward receiving the highest number of votes shall constitute the first class, and shall, at the first meeting of the city council in January thereafter, enter upon the duties of their office, to serve for two years, and the second class, consisting of the persons in each ward receiving the next highest number of votes, to enter upon the duties of their office when the terms of the members of said board elected prior to the adoption of this charter shall expire, to serve until the next general election, and until their successors are elected and qualified: *Provided, however,* That in the ward hereby established, the two persons elected shall enter upon the duties of their office with the first class, and subject to the above classification; and annually thereafter there shall be elected one person in each ward to serve as a member of said board for two years. The first general municipal election under this charter shall be held on the first Saturday in October, 1874, and annually thereafter, at the same time, at which time there shall be elected by the qualified voters of said

city the officers herein provided to be elected, excepting the marshal and judge of the city court. Said officers shall, on the first Monday in January thereafter, enter upon the duty of their respective offices. Said elections shall be conducted in the same manner, and subject to the same rules, that govern State elections; and the laws of the State relating to bribery, frauds, and illegal voting, shall apply to and be in force in said elections. The city shall, however, designate places, prescribe the boundaries of voting precincts, and appoint the officers of said elections; and the returns and poll-books thereof shall be returned to a board hereby established, to be styled the Election Board, consisting of the mayor, the city clerk, and three members of the board of councilmen, to be appointed by said board at the last meeting in September of each year, any three of whom may constitute a board; on the day succeeding each election, the sheriffs of the several polls shall return to the office of the city clerk the returns and books of their respective polls, when said board shall meet, open, examine, and compare said books and returns according to the rules prescribed for State elections; and they shall, over their signatures, furnish to those who shall have received the highest number of votes certificates of election to any office voted for. If any member of said board shall be a candidate, he shall have no voice in the decision of his own case. All voters for city officers shall possess the same qualifications as voters for State officers, and must have resided sixty days in the city, and twenty days in the ward, next preceding the election at which they shall offer to vote. All elections and appointments by the board of councilmen shall be *viva voce*. All claims of the coroner of Campbell county for holding inquests within the limits of the city of Newport shall be paid out of the treasury thereof, upon being duly authenticated. No county levy shall be made on persons or property in said city. The fiscal year of said city to commence on the first day of October in each year. Should any officer of the city be temporarily incapacitated for discharging the duties of his office, or be absent from the city, the board of councilmen may appoint a suitable person *pro tem.*, who shall discharge the duties of said office during the continuance of said disability or absence, and said board may allow such compensation to said officer *pro tem.* as they deem *ri. ht.*, not exceeding in proportion the amount of salary to which said officer may be entitled, to be deducted from the salary of said officer, unless he is absent on business of the city, by leave of the board of councilmen. All proposed amendments to this charter shall be published, by posters or otherwise, at least fifteen days before sub-

1874.

When officers so elected shall take office.

Elections to be held under regulations governing general elections.

Election board created, & their powers & duties.

Qualifications of voters.

Inquest claims to be paid out of city treasury.

No county levy to be made.

Fiscal year.

Board may appoint *pro tem.* officers.

Proposed amendments to be published.

1874.

This charter and all amendments to be submitted to people.

mission to the General Assembly of Kentucky for enactment; and neither this charter, or any amendment thereof, shall be valid, until the same has been thereafter submitted to the qualified voters of said city, and approved by a majority of the votes cast at a general or special election, at such time as the city council may ordain.

Officers. Their Duties. Mayor.

Mayor to be chief executive & president of certain boards.

Term of office.

Qualifications.

His power and duties.

May require officers to make reports.

Shall see that laws are faithfully executed.

§ 24. The mayor shall be the chief executive officer of the city, and shall, *ex-officio*, be the president of the board of councilmen, board of equalization, board of trustees of water-works, and such other boards of the city whose president is not otherwise provided. He shall be elected by the qualified voters of said city, at the first general election under this charter, for a term of two years, and until his successor is elected and qualified, and shall enter upon the duties of his office on the first Monday in January thereafter. No person shall be eligible to the office of mayor who has not attained the age of twenty-five years, is not a qualified voter in said city, who has not been a resident thereof for three years next preceding his election, and who is not a housekeeper, or owner of real estate in said city, or who holds any other civil office, or is, directly or indirectly, interested in any contract wherein the city is a party; and if, after election to said office, the incumbent thereof shall, from any of the foregoing causes, become disqualified, his office shall thereupon become vacant, and shall be filled as herein provided. He shall exercise a general supervision over the prudential affairs of the city, and shall, from time to time, advise and admonish the board of councilmen, and other branches of the city government, of the condition thereof, accompanying the same with such suggestions as will, in his opinion, best promote the interests and prosperity of said city, and recommend such measures as he may deem essential and proper for their consideration. He shall have and exercise a general supervision over all executive and ministerial officers of said city, and see that their duties are faithfully performed; and he may, when necessary, require from them a statement, in writing, of the business and condition thereof, pertaining to their respective offices; and should any of said officials fail to discharge their duties promptly, after being notified of such neglect or failure, he shall then report the same to said board of councilmen. He shall see that the laws, ordinances, and resolutions of, and all contracts made with, said city are faithfully executed; and he shall, for and in the name of the city, issue proclamations of elections, &c., and such other mandates as shall be authorized by law. Every:

proposed ordinance, resolution, or the execution of a contract incurring an appropriation exceeding one hundred dollars, passed by the board of councilmen, shall be presented to the mayor, and if he approve, he shall sign the same, it then shall be obligatory; but if he disapprove, he shall return the same, with his objections, in writing, to said board, at the next regular meeting thereof; and if, upon reconsideration, two thirds of the members elect, upon a call of the yeas and nays, concur in adopting it again, it shall be obligatory; should the mayor fail to present his objections within the time provided herein, the same shall be obligatory as if signed. For special reasons, the mayor may convene said board of councilmen at any time; and it shall be his duty to convene said board upon the written request of three members thereof. He shall be at the head of the police force of said city, and when deemed by him necessary to enforce the laws and ordinances, avert calamity, prevent riot, protect or save life or property in case of danger, he may command them in person, and may order into service any of the citizens, civil or military; and any person disobeying his commands shall be subject to such fines and penalties as may be prescribed by ordinance; and he shall receive such compensation for his services as the board of councilmen may ordain.

1874.

Mayor to approve ordinances, contracts, &c.

May call special meetings of council.

To be head of police force, and may call out military to suppress riots, &c.

Clerk.

§ 25. The city clerk shall be elected at the same time, in the same manner, and for the same term, and must possess the same qualifications and be subject to the same restrictions, as the mayor, and shall take such oath and execute such bond as may be prescribed by ordinance. He shall attend all meetings of the board of councilmen, and keep a correct and complete record of their proceedings, and carefully index the same; the recording and indexing of each meeting to be completed before the succeeding meeting of said board. He shall make out all tax bills, and shall correctly keep the account of each tax-payer with the city, as presented by the books of the assessor, and of the final disposition of all delinquent tax bills. He shall audit and keep the accounts of said city, the officers thereof, and of contractors and other persons transacting business with or for said city; and at the end of each year he shall prepare and render to said board a full and detailed statement thereof, embracing all the receipts and disbursements for the year. He shall make out all apportionment warrants under the laws or ordinances of said city. He shall keep a record of all trans-

Term of office, & qualifications of clerk.

Shall attend and keep record of proceedings of council.

Shall make out tax bills.

To keep city accounts and make annual report thereof.

Shall make out warrants on treasury.

1874.

To keep record
of transfers of
real estate.

Shall make out
all licenses, &c.

To be keeper of
records, seal, &c.

Shall receive
fines, &c., and
pay same to treas-
urer.

To keep office.

Compensation.

fers of real estate in said city, and indorse the same upon the deed therefor before it shall be recorded. He shall make out all licenses, permits, and other documents authorized by law to be issued from his office; and he may act as secretary of the board of trustees of the Newport water-works, and shall be the custodian of the seal and all public records, books, contracts, bonds, and papers of the city, and file the same in the archives of said city, keeping an index thereof. He shall receive from the officers of the city and other persons all fees, fines, forfeitures, and charges for licenses to which the city may be entitled, and pay the same into the treasury, taking a receipt therefor; and shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance. He shall be furnished with a suitable office appropriately fitted up, and furnished with all necessary books, blanks, and stationery, which office he shall keep open during the business hours of each day (Sundays and legal holidays excepted), and he shall receive, as compensation for his services, such annual salary as the board of councilmen may ordain.

Treasurer.

Term of office
and qualifications
of treasurer.

To give bond and
surety.

Shall receive and
pay out funds on
orders.

Not to use or
loan or pay out
funds except on
warrants.

To give notice
of taxes being
due and bills in
his hands.

To keep accounts.

§ 26. The city treasurer shall be elected by the qualified voters of said city at the same time, in the same manner, and for the same term. He shall possess the same qualifications and be subject to the same restrictions as is herein provided for city clerk; and he shall, before entering upon the discharge of the duties of his office, take such oath and execute such bond, with security, as shall be required and approved by said board of councilmen. He shall receive, have charge of, and be responsible for all money and other funds coming to the city treasury, the property of and belonging to said city, subject only to the duly authenticated orders herein prescribed. He shall not pay out, appropriate, barter, loan, or otherwise use or expend said money or funds, except upon warrants, orders, &c., authenticated as herein provided, specifying for what purpose, in whose favor, and the fund from which the same is to be drawn, which warrants, orders, &c., shall be carefully preserved by him, and be returned as his vouchers in his annual and other settlements. He shall, upon receiving the tax bills, receipt therefor, and shall forthwith have notices posted up in conspicuous places of said city stating therein to whom, where, and when said tax is payable, and when the penalty prescribed by ordinance will attach thereto, and he shall collect all delinquent tax bills, with the penalties thereon. He shall at all times keep a legible and correct account of the receipts, expenditures, and condition of each fund of the

treasury, and shall, whenever required by the board of councilmen or board of trustees of the water-works, or by a duly authorized committee of either board, submit the same, together with his books and papers, for inspection and examination. He shall report to said board of councilmen, at the first regular meeting thereof in each month, the exact state of the treasury, together with a classified statement of the receipts and expenditures of the preceding month; and at the second regular meeting in January of each year he shall submit to said board a detailed and classified statement of the receipts, expenditures, and fiscal concerns of said city during the previous year; and he shall at all times keep said board fully advised of the time, manner, and amount of all maturing liabilities of the city, and shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance; and he shall receive such compensation for his services as said board may ordain.

1874.

To make monthly reports to council.

Also to make detailed annual report.

Compensation.

Attorney.

§ 27. The city attorney shall be elected by the qualified voters of said city at the same time, in the same manner, and for the same term, as the city treasurer; and he shall, in addition to the qualifications of having been a resident of the city for one year preceding his election, possess all the qualifications required by the Constitution and laws of the State of a county attorney, and shall in like manner be liable thereunder. He shall have like powers and perform like duties in the city court prescribed for and performed by Commonwealth Attorneys in criminal and other courts of this State; and he shall, when required, give legal advice to the mayor and other officers and boards of said city in all matters pertaining to their respective official duties, and, if requested, such advice and opinion shall be in writing for future reference. He shall prepare all contracts, agreements, ordinances, bonds, and all legal documents of, to, and with said city, when required by the board of councilmen. He shall represent, prosecute for, or defend said city in all actions that may be instituted in which said city is a party, or is in any manner interested; and it shall be his duty, at least once in each calendar month, to examine carefully the docket of each justice of the peace in the city of Newport, and of the city court of said city, and to ascertain therefrom all fines, forfeitures, and penalties on recognizances or penal bonds, which may have been assessed or recovered in the office of such justice or of the city court for use of the city, during the month next preceding such examination, and the names of the officer or officers to whose hands the execution for such fines, penalties, or forfeitures

Term of office & qualifications of city attorney.

To perform like duties as Commonwealth's Attorney.

Shall be legal adviser to city officers.

Shall prepare all contracts, bonds, &c.

Shall represent the city in all actions in which city is party.

Shall examine into and report all recoveries in favor of city monthly.

1874.

may have been committed, or to whom the amounts thereof may have been paid; and he shall report in writing to the city council, at its first regular meeting after the tenth day of each calendar month, the result of such examination so made by him, showing the amount of each fine, penalty, or forfeiture, assessed or recovered, and the name of the officer to whose hands the execution therefor may have come, or to whom the amount may have been paid, and shall annually present to said board a detailed statement of said business, and of the condition of each case pending in the courts whereto the city is a party; and he shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance, and shall receive such compensation as said board may ordain.

Shall make
annual report of
legal business of
city.

Compensation.

Engineer.

How engineer to
be elected, term
of office, and
qualifications.

Shall supervise
all public works
and make report
to council.

Shall make all
maps, surveys,
&c., and have
same recorded.

Shall survey
streets, alleys,
&c., & make out
profiles, &c.

May suspend
work not being
done according to
contract.

§ 28. The city engineer shall be elected by the board of councilmen, at the second regular meeting thereof in January, and shall enter upon his duties on the first day of February of each year. He shall be elected for one year, and until his successor is elected and qualified. He shall possess all the qualifications of a voter, and be subject to the same restrictions of the city clerk, and shall have been a practical engineer for two years. It shall be the duty of said engineer to exercise a general supervision over all public works or improvements authorized by said board. He shall prepare or cause to be prepared, or examine with care, all plans and specifications of any proposed public works or improvements, and thoroughly inspect the materials intended to be used in the construction thereof; and he shall report to said board the merits or demerits of said plans, the character, quality, and adaptability of said materials, together with an estimate of the expense of the proposed improvement. He shall in a skillful manner make, or cause to be made, all surveys, maps, charts, drafts, plans, and other documents pertaining to the office of city engineer, and have the same recorded in books provided for that purpose, which shall be carefully preserved by him as the property of the city, to which the public may, at all reasonable times, have access. He shall survey all streets, lanes, alleys, market spaces, wharves, public landings, commons, parks, and other public places in or of said city, and designate and mark the grade thereof, and shall, whenever required, execute profiles and delineations of the same; and shall have control over the construction or improvement of said streets, &c.; and he may, subject to the order of said board, suspend operations thereon, whenever, in his opinion, the work or materials used therein are not in accordance with the contract. He

shall enforce a strict compliance with the terms and conditions of all contracts for the improvement of said streets, &c., and shall promptly report all violations thereof; and shall, on the completion of each contract, furnish the certificate as prescribed herein. He shall serve as a member of the street improvement committee, and shall annually make a full and detailed report of street improvements, &c; and perform such other duties not inconsistent herewith, as may be prescribed by ordinance; and shall receive for his services such compensation as said board may ordain.

1874.

To make annual report.

Compensation.

Weigher and Measurer and Inspector of Weights and Measures.

§ 29. The weigher and measurer and inspector of weights and measures of said city shall be elected at the same time, in the same manner, and for the same term, as the city engineer. He shall possess the same qualifications, and be subject to the same restrictions as the city clerk, and take oath and execute such bond as may be prescribed. He shall inspect and seal all weights, measures, scales, beams, and other instruments used in weighing and measuring any and all articles vended or offered for sale in said city, and correct and seal all incorrect weights, measures, &c., agreeable to the standard adopted by the State of Kentucky; and he shall, according to the same standard, weigh and measure wood, coal, lime, hay, and other like articles brought to the city for sale; and shall officially certify the weights or measure of the same. He shall be the custodian of and be responsible for the standards for testing weights and measures belonging to the city; and he shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance; and shall receive for his services such compensation as said board may ordain.

Term of office & qualifications of weigher and inspector of weights.

Shall take oath & execute bond.

Shall inspect and seal weights and measures.

Shall weigh and measure wood, coal, lime, hay, &c.

To be responsible for standard weights and measures.

Compensation.

Marshal.

§ 30. The city marshal shall be elected by the qualified voters of said city at the same time, in the same manner, and for the same term as the sheriff of Campbell county, and until his successor is elected and qualified. No person shall be eligible to the office of marshal who is not a qualified voter of said city, and who has not been a resident thereof for one year next preceding his election, who is not a housekeeper or owner of real estate in said city, or who holds any other civil office, or is, directly or indirectly, interested in any contract whereto the city shall be a party; and if he shall, after his election, from any of the above named or other cause, become disqualified, his office shall thereupon become vacant, and be

When marshal to be elected, term of office, and qualifications.

1874.

To take oath and execute bond.

Shall appoint necessary deputies.

Shall attend and perform duties at sessions of city court.

His powers and duties.

To make settlement with city clerk monthly.

May execute process from any court.

To be chief of police.

To report improper conduct of officers.

Penalty for failing to discharge duties.

Compensation.

filled as herein provided. He shall, before entering upon the duties of his office, take like oath, and execute like bond, as required by the Constitution and laws of the State for sheriffs, to be approved by the board of councilmen. He shall, by and with the approval of said board, appoint such deputies as shall be required, and he shall by himself or deputy attend daily the sessions of the city court, and perform similar duties therein required of and performed by sheriffs in other courts of this State; and with like power execute all processes and orders, levy all executions, and serve all notices emanating from and with the jurisdiction of said court, and his return thereon shall be sufficient evidence of such execution or service. He shall collect all fees and penalties of said court, and shall render an account to the judge thereof; and he shall, on the first Monday in each month, pay over to the city clerk all fees, fines, penalties, and forfeitures on recognizances and penal bonds recovered in said court, to which the city may be entitled. He may execute any process directed to him from said court any where in the county, or make, by indorsement on the process, a special bailiff to execute it, and said bailiff shall have all the right to execute, and the fees therefor, that the marshal has by law. He shall have the power and perform the duties of chief of police of said city; and as such shall have and exercise such official authority as will insure, promote, and maintain the highest degree of discipline and efficiency in said force, and render them the most effective in the suppression of crime and the execution of the laws. He shall promptly report any improper conduct, incompetency, or inefficiency of any member of said force. He shall so organize and discipline said force as to secure the most effectual and successful enforcement of law and order; and shall perform such other duties, not inconsistent with this charter, as may be prescribed by ordinance; and for failure or refusal to perform his duties, or to pay over the fines, penalties, forfeitures, &c., he shall be liable on his bond by motion, suit, or rule in the city, or other court having jurisdiction thereof, notice, in writing, having been served at least ten days before the trial. He shall be allowed the same fees for his services in the city court as are allowed sheriffs for like services; and shall receive such compensation, in addition thereto, as said board may ordain.

Judge.

Jurisdiction and powers of city judge.

§ 31. The judge of the city court shall have original and exclusive jurisdiction of all cases of violation of ordinances of said city, and other minor offenses committed in the city or within one mile thereof, the penalty where-

1874.

of shall not exceed one hundred dollars, or imprisonment in the work-house or jail not to exceed six months, and shall, in the name of the Commonwealth, issue and make all processes, rules and orders, necessary in the determination of said cases. He shall, at nine o'clock, A. M., daily (Sundays and legal holidays excepted), open his court for the dispatch of business, and shall adopt such rules of practice and procedure as will secure to all parties a proper statement of any charge against them and full opportunity of being heard; and where required, if not waived by the accused, shall cause a jury to be summoned and empaneled, and shall have like powers of criminal judges to compel the attendance of witnesses and jurors; and he shall be a conservator of the peace of said county. He shall have and exercise the jurisdiction in civil cases herein prescribed for the city court, and he is hereby vested with all the necessary authority to effectuate the jurisdiction given; and he shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance, and shall receive such compensation for his services as said board of councilmen may ordain; and in addition thereto he shall be allowed the same fees as justices of the peace and judges of quarterly courts are allowed for like services.

Compensation.

Assessor.

§ 32. The city assessor shall be elected by the qualified voters of said city at the same time, in the same manner, and for the same term, and shall possess the same qualifications, and be subject to the same restrictions, as the city treasurer; and shall take such oath and execute such bond as shall be approved by the board of councilmen. He shall, as soon as practicable after the tenth day of January in each year, in a fair and impartial manner, assess at a fair cash value all property in said city subject to taxation under the provisions of this charter and the laws of the State; the lists of personal property shall be made upon the oath of the party taxed administered by the assessor; and if any person shall fail or refuse to give, or if in the opinion of the assessor he, she, or they shall give an incorrect list of said property, the assessor shall make a proper remark or note thereof on his book opposite the name of the party for the board of equalization, and shall report to said board such information as he may possess. He shall enter the several items, their value, and the total thereof, in the proper separate columns, opposite the names of the respective owners, in alphabetical order; and if there is any real estate in said city, the owners or agents of which are unknown, he shall enter and return the same in accordance with the facts:

When assessor to be elected—term of office, and qualifications.

To take oath and give bond.

Power and duties of assessor.

1874. *Provided, however,* That where the property of one person or firm shall not exceed one hundred dollars, the assessor shall not list the same for taxation: *And provided further,* That nothing in this section shall be so construed as to require said assessor to list for taxation stocks of merchants and other property subject under this charter to license or specific tax. He shall in like manner, every fifth year thereafter, assess all real and personal property in the city, as herein provided; and he shall in like manner, and subject to the provisions in this charter, each of the four years intervening, assess and list for taxation all real estate that may be added to the city, and all improvements that may be made upon real estate in said city during any of said four years, and all personal property within said city as herein prescribed; and he shall likewise enter and return the depreciation in value of improvements by reason of damage by fire or other cause; and shall, when required, take the census of said city, and the number of children between the ages of six and twenty years within the limits thereof; and shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance, and receive for his services such compensation as the board of councilmen may ordain.

Compensation.

Physician.

When physician
to be elected,
term of office, &
qualifications.

To take oath and
execute bond.

Power and duties.

§ 33. The city physician shall be elected by the qualified voters of said city, at the same time, in the same manner, and for the same term; and he shall possess like qualifications, and be subject to like restrictions, as the city clerk; and he shall, in addition thereto, have been a practicing physician for not less than two years, and be a graduate of a respectable medical college; and he shall, before entering upon the duties of his office, take such oath, and execute such bond, as may be prescribed by ordinance. It shall be his duty to visit daily, and at all other times, when required, the jail, work-house, station-house, and other public institutions of said city, wherein may be confined, placed, or sheltered the indigent, poor, and unfortunate thereof; and he shall in a proper and skillful manner treat, attend to, and render the inmates of said institutions such medical advice and assistance as the nature of their diseases may require, including obstetrical and surgical aid and skill; and whenever required to render professional services to any poor and indigent persons or their children within said city, unable to procure the necessary medical attention and skill, he shall forthwith repair to the place where such sick person shall be, and shall, as though he were to receive a direct fee therefor, afford such aid and relief as the nature of the case may require; and he shall con-

tinue to visit and render said services so long and as often as necessary. He shall, from time to time, recommend to the board of councilmen such measures as he may deem proper and necessary to promote and secure the health of the city, and prevent the introduction or spread of any contagious, infectious, malignant, or dangerous disease, and suggest such modes and methods of cleaning and purifying filthy and dirty places as shall, in his opinion, best promote the sanitary condition of said city; and he shall, when required by said board, vaccinate the children of the poor of said city free of charge. He shall keep a record of the services rendered by him as said city physician, and shall annually, and oftener, if required, report the same to said board; and he shall perform such other duties, not inconsistent with this charter, as may be prescribed by ordinance; and shall receive such compensation for his services as said board may ordain. 1874.

Compensation.

Market-Master.

§ 34. The city market-master shall be elected by the qualified voters of said city at the same time, in the same manner, and for the same term, possess the same qualifications, and be subject to the same restrictions and obligations, as the city assessor, and take such oath, and execute such bond, as may be prescribed by ordinance. It shall be his duty to exercise a general supervision over the stalls, stands, and other places used or occupied in and about the market-houses of said city; and shall protect and secure to the tenants or occupants thereof their rights therein unmolested. He shall preserve order in and about said market-houses, and strictly enforce the ordinances, rules and regulations, pertaining thereto; and for this he shall be, and is hereby, vested with the power and authority of a police officer; and he shall arrest any and every person violating said ordinances, rules and regulations. He shall keep said market-houses and spaces clean and free from filth and all refuse matter; and shall promptly report any intrusion upon or abuse of the privileges granted tenants or occupants to stalls, stands, &c., in said markets. He shall, from time to time, report to said board the condition, necessities, and requisite changes or repairs of said market-houses, &c., with such suggestions and recommendations as may seem to him advisable and proper; and he shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance; and shall receive for his services such compensation as said board may ordain.

When market master to be elected, term of office, and qualifications.

To take oath and execute bond.

Power & duties.

Compensation.

1874.

Wharf-Master.

When wharf-master to be elected, term of office, and qualifications.

To take oath and give bond.

Powers & duties.

§ 35. The city wharf-master shall be elected by the qualified voters of said city at the same time, in the same manner, and for the same term, shall possess the same qualifications, and be subject to the same restrictions, as the city market-master; and shall take such oath, and execute such bond, as shall be prescribed and approved by the board of councilmen. He shall have and exercise a general supervision over the wharves and landing-places within the limits of said city, and shall strictly enforce all laws, ordinances, rules and regulations, relating thereto. He shall have power, and it is hereby made his duty, to cause all steam and other boats, barges, rafts, and other water craft, coming to or lying at said wharves, &c., to moor to, and harbor thereat, in such manner as shall be deemed best calculated to secure the rights, and the greatest safety and advantages and least inconvenience to all parties concerned; and for this purpose he may order and cause to be removed from one point to another of said wharves such boats, &c., as may be lying there for harbor, to make room for boats, &c., with cargoes, or rafts to unload, or boats, &c., coming to said wharves, &c., to take on cargoes at some particular convenient point thereof, the rights of all parties concerned being sacredly observed. He shall demand and collect from all owners, or the persons having charge of said steamboats, barges, rafts, or other water-craft, such rates of wharfage as shall be established by ordinance, a schedule of which rates shall be furnished said wharf-master, and whenever required, he shall exhibit said schedule to any person concerned. He is hereby vested with full power, at all times, when the same is not promptly paid on demand, to levy and distrain for any wharfage due the city, and for his costs, upon the boat or craft from which wharfage is due and payable, or upon any part of the tackle or appurtenances thereof, or any property of the person from which such wharfage is due, and to advertise and sell the same, as in case of an execution of *fi. fa.*, and the board of councilmen shall have power to fix the costs chargeable in such cases. He shall, in a book provided for that purpose, keep a correct account of all money received by him for wharfage, showing the date, amount, and the name of the person or boat, &c., from whom received; and, on the first Monday in each and every month, pay over to the city treasurer all money so received by him during the preceding month, taking his receipt therefor; and he shall, at the first regular meeting of said board in January of each year, render a detailed and classified report of the receipts of wharfage

by him during the preceding year. He shall be, and he is hereby, vested with the power and authority of a police officer, and he shall arrest, or cause to be arrested, all persons violating any of the ordinances, rules and regulations, relating to said wharves, &c.; and shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance; and he shall receive such compensation for his services as said board may ordain.

1874.

Compensation.

Jailer.

§ 36. The city jailer shall be elected by the qualified voters of said city at the same time, in the same manner, and for the same term, shall have and possess like qualifications, and be subject to like restrictions, as the market-master, and shall take such oath and execute such bond as may be prescribed by ordinance. He shall have charge and control of the jail in said city, and shall be responsible for the safe-keeping of such persons as shall be committed to his charge, and for the proper management and sanitary condition of said jail. He shall register in a book provided for that purpose the name, age, and sex of each person committed, the date, crime, by whom, and for what length of time, the date of and manner of their discharge. He shall cause all persons confined in said jail to rise in the mornings, put their cells in order, and wash themselves, and abide by such rules as may be prescribed by ordinance, and shall promptly report any violations thereof. He shall keep the males and females separate and apart, and shall in like manner make a proper distinction thereof as to age and crime. He shall at all times, except when prescribed by the physician, prohibit the use of ardent or spirituous liquors by said inmates, and shall prevent all gaming or card-playing in said jail. He shall be, and he is hereby, vested with the powers and authority of a police officer, and may arrest any person loitering around said jail, or in any manner aiding or abetting in the violation of the aforesaid rules and regulations. He shall exercise a strict and vigilant guard over said jail and all persons placed in his custody, shall frequently inspect and examine the same; and he shall each day, previous to retiring, visit each cell and see that the same is properly secured, and shall safely and securely keep all persons committed to his charge, subject only to the orders of the proper tribunal; and he shall perform such other duties, not inconsistent herewith, as may be prescribed by ordinance, and shall receive such compensation for his services as the board of councilmen may ordain.

When jailer to be elected, term of office, and qualifications.

To take oath and give bond.

Power & duties.

Compensation.

1874.

Conflicting Laws.

§ 37. All laws and parts of laws having special application to the city of Newport, in so far as the same are in conflict with this charter, are hereby repealed.

When the several provisions shall take effect.

§ 38. The several sections of this act providing for the election of judge of the city court and city marshal, and for the city officers and members of the council and of the board of education, in so far as they provide for such elections, and the qualifications and duties of the several officers, shall take effect after the first day of August next; and the section providing for the control and operation of the Newport water-works shall take effect from and after the passage of this act; and the changes provided in the mayor's court shall take effect after the judge of the city court, elected in August, eighteen hundred and seventy-four, shall be commissioned. The officers to be elected on the first Monday in March next, to fill terms then expiring, shall hold their offices until the first Monday in January, eighteen hundred and seventy-five, when this charter shall be in full force. The president of the city council elected in March, eighteen hundred and seventy-four, shall be president *ex-officio* of the board of trustees of the Newport water-works; and after the qualification of city judge, said president of the council shall exercise all the executive, ministerial, and other duties now or in this act required of the mayor until the new mayor provided for in this act shall be qualified.

Approved February 17, 1874.

CHAPTER 307.

AN ACT to authorize the city of Newport to increase her bonded indebtedness in aid of water-works.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city of Newport, in Campbell county, is hereby authorized to issue her bonds, not exceeding one hundred thousand dollars in all, payable in twenty years from date, bearing seven and three tenths per cent. interest, payable semi-annually, the proceeds whereof to be applied exclusively to the payment of the accruing interest on her water-works bonds. Said bonds and interest thereon shall be payable at the Bank of America in New York city; and the holders thereof shall have a lien upon said water-works, and the entire taxable property of the said city of Newport, for the payment thereof; but it shall not be lawful for said city to issue more than one third of said amount of bonds in any one

year, to-wit: in this and the two succeeding years: *And provided further*, That the assessed tax on real and personal property in said city, during said three years, shall not exceed the sum of one dollar and fifty cents on each one hundred dollars' valuation thereof: *Provided nevertheless*, That this act shall be submitted to a vote of the qualified voters of Newport, and unless approved by a majority of said voters voting at an election, to be held according to law, on the first Monday in March, 1874, shall be inoperative and void. 1874.

§ 2. This act, under the above mentioned proviso, shall take effect from and after its passage.

Approved February 16, 1874.

CHAPTER 308.

AN ACT to amend an act to reduce into one, amend, and digest the acts and amendatory acts incorporating the town of North Middleton, in Bourbon county, approved March 28th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of section six of the act described above as requires that a trustee of said town shall possess a property qualification for office, viz: "be the owner in fee-simple of real estate in said town," is hereby repealed.

Property qualification for trustee abolished.

§ 2. And whereas, it is represented that it will be better for the peace and morals of said North Middleton that the jurisdiction of the police judge of said town shall extend over and embrace the selling of malt, vinous, or spirituous liquors sold within one mile of the present boundary of said town; it is therefore hereafter made unlawful for any person to sell malt, vinous, or spirituous liquors within one mile of the present limits of said town, unless said person has first obtained license as may be required by the charter and ordinances of said town.

Jurisdiction of police judge increased.

§ 3. The chairman and board of trustees of said town shall have the exclusive power to regulate the sale of malt, vinous, or spirituous liquors within the limits of said town, and within one mile of the present boundary of said town. They may issue license to any person for that purpose, the license fee per annum to be paid by a tavern-keeper not to exceed one hundred dollars; by a coffee-house keeper not to exceed one hundred dollars; the license fee for a merchant to sell malt, vinous, or spirituous liquors for the period of one year shall not exceed fifty dollars. The penalties against selling malt, vinous, or spirituous liquors, without license, shall not exceed one hundred dollars for any one offense.

Made unlawful to sell liquors within one mile of town without license.

Trustees to control selling of liquors in said town and one mile of limits.

1874..

Police court and
its jurisdiction &
powers.

§ 4. There is hereby established in the town of North Middleton a court, to be called the police court of North Middleton, with original jurisdiction in all civil causes, and full power to hear, determine, and act as is now granted by law to justices of the peace for Bourbon county. Said court shall have exclusive jurisdiction for all violations or infractions of the ordinances of said town; and as such, shall have full power to hear and determine all cases that may come before said court, within the jurisdiction of said court. In case any person fined in said court shall refuse or fail to pay any fine assessed against said person for violation of the ordinances of said town, said person may, by judgment of the court, be imprisoned in the county jail or compelled to work upon the streets of said town until the same is paid, at the rate of two dollars per day.

When police
judge to be elected
& term of office.

§ 5. The judge of said court shall be elected by the qualified voters of said town on the fourth Saturday in February, 1874, to hold his office until his successor is duly elected in August, 1874. In August, 1874, the judge of said court shall be elected, to hold his office until his successor is elected and qualified, as required by the Constitution of the State and the General Statutes.

Marshal—when
elected and term
of office.

§ 6. The marshal of said town shall be elected on the first Monday in August, 1874, and every two years thereafter, as is now provided by the Constitution of the State. The board of trustees shall have the power to fill any vacancy that may occur in the office until the regular election in August, 1874.

Civil & criminal
jurisdiction of
chairman board
of trustees abol-
ished.

§ 7. So much of section nine of the act referred to in the title to this act as gives civil and criminal jurisdiction to the chairman of board of trustees is hereby repealed, to take effect the first day of March, 1874.

Powers and
qualifications of
marshal.

§ 8. The marshal of North Middleton shall have the power to make arrests and serve any civil process as now provided by the General Statutes; he shall be a citizen of Bourbon county, and reside within the limits or within two miles of the limits of said town.

Liquor license
only to issue after
State license has
been obtained.

§ 9. No license to conduct any business shall be issued by the board of trustees of said town, or by any of its officers, unless the person to whom the license is issued shall have first produced and exhibited the county or State license, if any may be required by the General Statutes of the State.

§ 10. This act shall take effect from and after its passage.

Approved February 16, 1874.

CHAPTER 309.

1874.

AN ACT to amend the charter of Lebanon, in Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act establishing the police court in the town of Lebanon, county of Marion, be so amended as to give that court jurisdiction of all vagrant persons who live idly without any settled home, and all prostitutes wandering about the streets of said town; that for each and every offense of the kind above mentioned, the court aforesaid shall have power to fine said persons in a sum of not less than five dollars nor more than twenty-five dollars: *Provided, however,* That nothing in this act shall prevent any such persons from having a jury if requested by such parties.

Jurisdiction of police judge enlarged.

Penalty for vagrancy.

§ 2. That when any such parties as described in the preceding section shall be tried and fined as aforesaid, and cannot pay the fine or replevy the same, that then it shall be the duty of the marshal of the said town, upon an order of the court aforesaid, to take charge of such persons and put them to work on the streets of said town during the day, and in the jail of the county of Marion during the night, and thus continue until the fine shall be worked out, as now provided by law, in and for said town.

Parties fined to work out fines on streets under direction of marshal.

§ 3. This act to be in force from and after its passage.

Approved February 17, 1874.

CHAPTER 310.

AN ACT to incorporate the Masonic Mutual Benefit Association of Maysville, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. N. Howe, Wm. Hunt, R. Albert, George R. Gill, George W. Sulser, T. Forman, A. Billstein, Geo. S. Hancock, R. F. Means, W. H. Holmes, and their associates and successors, Free and Accepted Masons, do hereby associate themselves together, and agree to become an incorporated body, and are hereby incorporated, under the name of the "Masonic Mutual Benefit Association," of Maysville, Kentucky; the object and purpose of which incorporation is to provide a fund by regular fees, or contribution from each member, to be invested and made productive for the benefit of the members of the association and their families. The corporate powers of the association are as follows:

Corporators' names.

Name and style.

Object.

LAWS OF KENTUCKY.

1874.

The association shall endure for ninety-nine (99) years; and any member may withdraw therefrom upon his relinquishment of all claims upon the association, and the payment of any dues or charges which the association may have against him.

Association not to dissolve until three fourths of members vote therefor.

The association shall not be dissolved before the expiration of ninety-nine years from its organization or incorporation, except by a vote of three fourths of the members who are present in person or by proxy, at its regular meeting; and the incorporation may be renewed for a longer period, with the consent of three fourths of the members present in person or by proxy, at any regular meeting.

Qualifications of members.

The association shall have power to receive new members; but none but Free and Accepted Masons of good standing and good health, who have been made Masons before arriving at the age of fifty years, shall be admitted to membership. The local board of directory, by a vote of the majority, may admit members; and any member who may be expelled from a Masonic Lodge for unmasonic conduct shall be expelled from this association by the local board of directory.

Officers.

The board of directory, and other officers of the association, may be provided for by the by-laws of the association, and shall consist of a president, vice president, secretary, and treasurer, and not less than seventeen directors.

Directors to control affairs.

All laws and regulations of the association for the collection of fees and contributions, the investment of the funds, and the distribution of benefits, shall be made by the local board of directory, and other officers, who shall be chosen annually by a majority of the members of the association.

Corporate powers.

The association, when incorporated, shall sue and be sued by its corporate name; may have a common seal, and alter it at pleasure; may make contracts, acquire and transfer property, and possess the same power in such respects as private individuals now enjoy.

Benefits—to whom to be paid.

Upon the decease of any member of the association, the beneficiary fund to which he is entitled by the by-laws shall be paid to his family as follows, if not otherwise directed by last will and testament:

- 1st. To his widow and children, if any.
- 2d. To his grandchild or children.
- 3d. To his mother and sisters.
- 4th. To his father and brothers.

If he has no family as above specified, and dies intestate, the expenses of his last illness and funeral expenses shall be paid out of the amount to which he is entitled, so far as it will contribute thereto, and the residue shall

revert to and become the property of the association, and be added to the contingent fund. 1874.

And the said beneficiary fund shall in no case be subject to the claims of creditors, or to execution for the debts or taxes of the deceased member. Beneficiary fund exempted from execution.

The association shall create no debts in its corporate name, except for current expenses of the association; nor shall the private property of the members be liable for any of its corporate obligation. No debt to be created by association.

The by-laws and regulations, made by the board of directory and other officers, shall be such as are expedient for the management of the affairs of the association, and not inconsistent with the Constitution and laws of the State and of the United States.

The amount of funds invested shall not exceed, at any time, one hundred thousand dollars (\$100,000). Capital stock.

Signed A. Billstein, T. Forman, George R. Gill, Geo. S. Hancock, Wm. Hunt, R. Albert, W. H. Holmes, Geo. W. Sulser, W. N. Howe, Robt. F. Means.

Approved February 17, 1874.

CHAPTER 311.

AN ACT to incorporate the Library Association in Cairo, Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Powell, R. D. Smith, A. A. Niles, J. A. Konsler, G. P. McClure, Nicholas Royster, Leven Cottingham, George M. Niles, W. S. Niles, W. T. Cottingham, J. A. Phillips, T. K. Sutton, Wm. Royster, sr., B. F. Denton, and their associates and successors, be, and are hereby, incorporated and created a body-corporate, under the name and style of Cairo Library Association; and by that title to have perpetual succession, with power to contract and be contracted with, sue and be sued, complain and defend, as individual persons; to acquire, hold, and convey property, both real, personal, and mixed; and to have and use a common seal, and to alter the same at pleasure, and may act with or without a seal; and to make and enforce such constitution, by-laws, and regulations for the government of the association as may be necessary or proper to carry out the objects and purposes of the association, not incompatible with the Constitution and laws of this State or of the United States. Corporators' names. Name and style. Corporate powers.

§ 2. The object of this association shall be to obtain and keep for the use of its members, and others, upon such terms as may be prescribed in the constitution or Object.

1874. by-laws, books, pamphlets, publications, engravings, pictures, works of art, maps, philosophical apparatus, or other things which the board of directors may direct; and may employ lecturers; and cause courses of public lectures to be given.

Property ex-
empted from tax-
ation.

§ 3. All property of the association shall be exempt from State, county, municipal, or other taxation. The stockholders shall not be individually liable for the contracts, liabilities, or debts of the association; but the stock, privileges, rights, and properties held and owned by said association in its corporate capacity shall be liable for its contracts, debts, and liabilities.

Capital stock.

§ 4. The capital stock, property, &c., of said company shall not exceed five thousand dollars.

§ 5. This act to be in force from and after its passage.

Approved February 17, 1874.

CHAPTER 312.

AN ACT to amend an act, entitled "An act to provide for the construction and completion of turnpike roads in Harrison county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County court to
appoint road
commissioners.

§ 1. That upon the petition of a majority of the persons whose property is liable to be assessed under the original and this amended act, for the completion or construction of the turnpike named in the petition, made to and filed in the Harrison county court, it shall be the duty of the judge of said court to appoint five discreet and intelligent commissioners, any three of whom may act, neither of whom shall reside within five miles of the contemplated road, or of any other road for the macadamizing of which under this act proceedings are then being had. Said commissioners, after being duly sworn to faithfully discharge their duties under this act, shall ascertain and report to court the names of all individuals, in alphabetical order, whose property is liable to be assessed as aforesaid. The court shall supply any vacancy in the board at any time.

Duty of com-
missioners.

Commissioners to
hold election for
directors of road.

§ 2. When said report is filed it shall be the duty of the court to order the commissioners appointed under the first section of this act to hold an election for the election of seven directors, to be selected from the list of property-holders embraced in the report, and amended reports, made under the first section of this act. At the election so held each person shall be entitled to one vote for each one hundred dollars' worth of property listed by him for taxation in the county aforesaid, as shown by the last

Qualifications of
voters.

1874.

assessors' book on file in the county clerk's office preceding the time of the election; or if the voter listed less than one hundred dollars' worth of property and more than fifty, he shall be entitled to one vote: *Provided*, If all the property listed by the voter for taxation cannot be taxed under this act, then such voter may make his written affidavit before a justice of the peace as to the amount of property owned by him and liable to taxation under this act; and upon filing said affidavit with the commissioners, he shall be allowed one vote for each one hundred dollars' worth of property named in the affidavit. No one shall be allowed to vote by proxy, except that a husband may vote for his wife, or a guardian for his ward, or such persons who may be unable to attend the election in person, in consequence of actual sickness or bodily infirmity, may vote by proxy.

§ 3. It shall be the duty of the petitioners named in the first section of this act to cause the clerk of the county court to copy, into a book to be furnished by them, in alphabetical order, the aggregate of real and personal estate, from the assessor's books on file in his office, for the last assessment before the order is made, listed by each person embraced in the report and amended reports made by the commissioners under the first section of this act. It shall also be the duty of the petitioners to furnish this certified list to the commissioners to enable them to hold the election under the second section of this act.

Petitioners to
furnish commis-
sioners with as-
sessment lists.

§ 4. As soon as said list is furnished to the commissioners, it shall be their duty to fix a day, and the hours of the day, and the place for holding an election for directors, of which facts they shall give (10) ten days' notice by publication in the *Cynthiana papers*, and by posting written or printed notice at the termini of the road, and at such other places in the vicinity of the road as they may deem advisable. At the appointed time and place they shall proceed to hold the election; and shall open a poll which shall show the name of each person voting, and the number of votes cast by him, and the names of all persons voted for as directors, which book shall be returned to the court, together with a certificate, which shall show the number of votes cast, the number of votes received by each person who was voted for as director, and the names of the seven persons who received the highest number of votes, whom they shall declare duly elected.

Commissioners to
give notice of
election.

Commissioners
so make return of
election to county
court.

§ 5. The directors so elected shall hold their office for three years, and until their successors shall be elected according to sections twelve, fourteen, and fifteen of the act to which this is an amendment. Their successors shall hold their office for one year, and until their successors

Term of office
of directors.

1874.

Directors may
fill vacancies.

General statute
laws applied for
condemnation of
lands, &c.

are elected. They and their successors in office shall have power to supply any vacancies in the office of director, by electing some one to fill the vacancy, until the next regular election; to elect one of their number president, one secretary, one treasurer. They shall have all the power, in order to enable them to construct and maintain the road named in the petition, which incorporated turnpike companies now enjoy under chapter one hundred and ten of the General Statutes; and all the power, through the county court, necessary to condemn land for road-bed, which can now be exercised by the county court, under chapter ninety-four of the General Statutes, in condemning lands for common roads, and such other powers herein specially granted.

Directors to
locate road.

§ 6. The board of directors shall have power to locate the road, and to change the location thereof at will, before the final report of the surveyor, hereinafter referred to, is made; but no change shall be made after that, nor at any time, so as to vary the general route of the road as described in the first named petition, nor so as to include other persons within the list of those liable to be taxed, unless a majority of those to be so included petition the court for the change. They shall have power to have the road surveyed, and specifications made for the construction thereof, or to accept such work, on such terms as may be to the interest of the road, if heretofore made. They shall have power to contract for the construction of the road, and to borrow a sufficient amount of money to pay for the same, at any rate of interest, not exceeding ten per cent. per annum, and to issue bonds so as to bind said road, and the tax to be levied for their payment as hereinafter directed.

To have road
surveyed and
specifications
made for con-
struction.

May contract for
making road and
borrow money to
pay for same.

County surveyor
to lay off road
district.

§ 7. The board of directors shall cause the county surveyor to lay off the road district by running two lines, one at right angles to each terminus of the road, and extending from the center thereof one mile and a half on each side; the extremities of these lines on each side shall be connected by lines parallel to the center line of the road, and distant therefrom one mile and a half. The surveyor shall make a report of said work to the court, and shall show the name of the owner of each tract of land over which the lines pass, and give a general description of the lines by monuments at reasonable intervals; and shall return his report to court, to be filed with the papers pertaining to said road.

Surveyor to re-
port to county
court.

Commissioners
to report names
of persons in dis-
trict.

§ 8. As soon as said survey is returned to court, and a certified copy thereof is furnished by the board of directors to the commissioners appointed under the first section of this act, it shall be their duty to make out and return to court a report which shall show the names, in alphabet-

ical order, of each person who resides within the bounds of the survey named in section seventh, and the names of all persons in like order who own real estate within said survey, but do not reside therein. They shall also estimate the advantages which will accrue to the owner of each tract of land within said survey by the construction of the turnpike road named in the petition, and divide them into as many classes by tenths as may be necessary; and where the road, in their judgment, will be of no advantage, they shall so state; where the whole tract of land owned by one person is not embraced in the survey, or will not be benefited by the turnpike, they shall estimate and report the number of acres so embraced or benefited, and its relative value to the whole tract, and whether the residence is situated on the part so benefited.

1874.

To estimate
advantages, &c.,
to owners of
property.

§ 9. When said report is filed in court, the judge thereof shall authorize the board of directors to levy a tax, which, with other sums that may be subscribed toward the construction of said road, will be sufficient to complete the same, to be collected annually as hereinafter directed, which tax shall apply to all the personal property listed for taxation by the persons living within the road district, and upon a tract of land, or that part of a tract of land, reported as receiving a benefit by the construction of the road, and to all real estate within the district benefited by the road; and shall in each case be according to the benefits or advantages to be derived, as ascertained by the commissioners under section eighth: *Provided*, That the tax shall not in any one year exceed two per cent on each one hundred dollars' worth of property listed for taxation under the revenue laws of the State, as to those receiving the greatest benefits from the road, and so in a less proportion for the other classes: *And provided further*, That if any person shall be assessed as to the same property, in any one year, for the construction of more than one road, he shall only be compelled to pay one tax, and that shall be to the road having the highest assessment; and this tax, so far as it is common or equal in amount between two or more roads, shall be divided equally, and be paid over by the road receiving the same to the roads entitled thereto: *And provided further*, That no one shall be required to pay tax on personal property who holds the land under a lease for any term of years less than six: *And provided further*, That the tax herein shall not be levied for more than five years; and that the directors shall not begin the road, unless the tax for that time, at the rates herein provided, together with any sums which may be subscribed, will be sufficient to pay for the construction of the road.

After report is
made to court,
tax to be levied
to construct road.

1874.

Treasurer of
road to collect
taxes

Proceedings
where exceptions
are made to re-
port levying tax.

§ 10. As soon as the directors have levied the tax, as provided for in the last section, they shall make a report to the court; and said report shall be confirmed and the treasurer of the road authorized to collect the tax, as provided in section seventh of the act to which this is an amendment, unless exceptions be taken thereto, in which case, after reasonable notice to the party to be affected by the exception, exceptions may be taken to the right to collect any tax under this act, or to the report of the commissioners made under section eighth, or of the directors under section ninth; and thereupon the court shall hear and decide said exception or exceptions; and if either party shall pray an appeal, the court shall determine whether the entire tax to be collected from the party for the road making the assessment will exceed one hundred dollars, and if it does exceed said sum, then either party may prosecute an appeal to the Court of Appeals: *Provided*, That no question shall be tried on said exceptions that does not directly and immediately affect the party to whom the exceptions apply; and it shall be of no effect to such party that the proceedings as to others are not according to this act, or that others are assessed too high or low.

Real estate sold
for taxes to be re-
deemable in three
years.

§ 11. All real estate sold by the treasurer under this act shall be liable to redemption by the payment of the taxes for which it was sold, and all other taxes which have accrued thereon, with ten per cent. per annum interest on each from the time they matured, at any time within three years after the sale; and if not so redeemed, the treasurer is authorized to convey the land to the purchaser: *Provided*, That the lands of infants, idiots, and lunatics, and dower lands, shall not be sold under this act; but the tax assessed on such land shall, with interest at the rate of six per cent. per annum, be a lien on said land, and if not paid by the infant within one year after he arrives at age, or by the remainderman, as to dower land, within twelve months after the dower estate has ceased, the land may then be sold as is now provided for the sale of lands of adults: *And provided further*, That land shall not be sold in any case unless personal property cannot be found out of which to make the tax.

Petitioners to
give notice of
motion to appoint
commissioners.

§ 12. Five or more persons, who signed and filed in court a petition under the original act, may at any time, within six months after the approval of this act, give notice in two issues of the paper or papers published in Cynthiana, and by posting notices at five or more places along the line of the proposed road, that they will move the court to appoint commissioners as contemplated by the first section of this act, on a day to be named in the notice, and at least ten days after the date thereof; and

on the day named the court shall hear said motion, and shall strike from the petition the names of all persons who ask to be released from the petition, and shall add the names of all persons who wish to sign the petition; and if, on final hearing, it shall appear that a majority of the persons whose property is liable to be assessed for the construction or completion of the road named in the petition have signed said petition, excluding those who have asked to be released, it shall be the duty of the court to appoint the commissioners named in the first section of this act.

1874.

Proceedings in court.

§ 13. Nothing in this act shall be so construed as to prohibit the county court from taking stock in the roads to be constructed under this act, as now provided by law, nor to prevent any city or railroad corporation from subscribing stock in said road.

County court may take stock in road.

§ 14. The commissioners named in this act shall be allowed not to exceed two dollars per day for each day they may be engaged under this act. The clerk and surveyor shall be allowed the same fees for their services under this act which they are now allowed for similar services by law; and in case the proposition to construct the road shall for any cause be abandoned, the fees hereby allowed, and the compensation allowed the engineer, if one has been employed, shall be paid equally by those who have signed the petition; if the road is constructed, these fees shall be paid out of the general fund.

Compensation of commissioners.

§ 15. That section eleventh and all other parts of the original act, which are contrary to the provisions of this act, be, and they are hereby, repealed.

§ 16. This act shall take effect from its passage.

Approved February 17, 1874.

CHAPTER 313.

AN ACT to amend the charter of the city of Covington, Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council shall have power to invest the superintendent of the fire department, or any other officer of the fire or police department, with the power, and impose on him the duty, to be present at all fires, investigate the cause thereof, examine witnesses and papers, and compel the appearance and production of the same, and to do and perform all such other acts as may be necessary to the effective discharge of such duties. Such officer shall have power to administer oaths, make arrests,

Superintendent of fire department to investigate causes of fires, administer oaths, make arrests, &c.

1874.

and enter any building for the purpose of examination, which, in his opinion, is in danger from fire; and he shall report his proceedings to the council at such times as may be required.

Where assessments are invalidated, reassessment may be made by council.

§ 2 Whenever it shall appear to the council that any special assessment is invalid by reason of informalities or irregularities in the proceedings, the council shall have power to order a re-assessment; and this power shall extend to assessments heretofore made within the last three years, as well as to those that may hereafter be made. All proceedings upon such re-assessments, and for the collection thereof, shall be conducted in the same manner and possessing the same lien as is provided for the original assessment: *Provided*, That such re-assessment shall not affect innocent purchasers without notice, nor any case which has been or is now being litigated in the courts.

Magistrates to report fines collected and pay over same to treasurer.

§ 3. That hereafter it shall be the duty of the magistrates in said city to report monthly, between the first and fifth days of each month, to the city treasurer, under oath, the amount of fines collected by them during the preceding month, and pay the same over to said treasurer for the use of said city. Should any of them fail to do so, it shall be the duty of the treasurer to make written report to the mayor, who is hereby empowered to issue a rule or rules against said magistrate or magistrates, requiring them to show cause why they have not reported and paid over said fines; and he may require them to do so by attachment, as in cases of contempt, or may impose such fines as may be provided for by ordinance, not exceeding fifty dollars in any one case, the costs of such proceedings to be paid by the magistrate in default, if the mayor, in his discretion, shall so order.

Penalty for failing to make report.

Limitations to actions to recover back illegal taxes.

§ 4. That, all actions to recover from said city the amount of any taxes or assessments which have been or may be illegally or erroneously collected, shall be prosecuted within six months after the cause of action arose, and not afterward; but this act shall not apply to causes of action now existing until the first day of February, 1875.

Council may issue bonds to pay floating debt of city.

§ 5. That for the purpose of redeeming or paying off the floating debt of the city, and to secure means to carry on its municipal affairs, authority is hereby given to the city council of Covington to issue city bonds to the amount of not exceeding one hundred thousand dollars, redeemable in twenty-five years, in such denominations as the council may prescribe, bearing interest at a rate not exceeding eight (8) per cent. per annum, payable semi-annually, at such place as the council may direct. The council may dispose of such bonds, at not less than par value, at such times and in such manner as

may be deemed advisable. The interest upon said bonds shall be paid out of the tax to pay interest on the bonded debt. The said bonds shall be used for the purposes above stated and none other.

1874.

§ 6. That the following words in section five of an act of the General Assembly of the Commonwealth of Kentucky, approved April 9th, 1873, entitled "An act to amend the charter of the city of Covington," to-wit: "*Provided, however, That all lands which are inclosed and used for farming purposes, and are without the benefit of streets, gas, water, police, and other advantages incidental to the city of Covington, shall be exempt from the provisions of this section,*" be, and the same are hereby, repealed; and the act of March 3d, 1869, entitled "An act to amend the charter of the city of Covington," is now hereby revived in full force and effect, the same as though it were here again re-enacted; but all tracts of land within the corporate limits of said city not laid off into squares and lots shall be assessed for taxation by the acre or fraction of an acre.

Act exempting
farm lands from
taxation repealed.

§ 7. That section sixteen of the act, entitled "An act to amend the charter of the city of Covington," approved March 9, 1868, and the amendment thereto, approved March 9, 1871, be continued in force indefinitely, without the limitation of three years provided for in said amendments.

§ 8. This act to take effect from its passage, except as provided in the fourth section of this act.

Approved February 17, 1874.

CHAPTER 314.

AN ACT to incorporate the Paducah Street Railway Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Johns, L. D. Husbands, J. W. Thompson, J. V. Gould, and M. C. Rice, and their successors, are hereby created a body-politic and corporate, by the name of "The Paducah Street Railway Company," for the term of thirty years, with power and authority to sue and be sued in all courts and places as natural persons are.

Corporators'
names.

Name and style.

§ 2. The said corporation is empowered and authorized to construct, maintain, and operate a street railway, with all necessary tracks for turnouts, over and along the public streets of the city of Paducah, in McCracken county, Kentucky: *Provided*, The consent of the common council of said city shall first be had to the construction of said railway in any street of the said city: *And provided*, That

Corporate
powers.

1874. the consent, in writing, of the property-holder or holders whose property abuts on said street is first obtained, or if not obtained, that such owner or his heir or heirs, devisee or devisees or assignees shall have a right of action against the company for such damage as he or they may sustain by locating or operating such road; and the common council of the said city may prescribe terms and conditions upon which said railway shall be constructed and operated.

Capital stock. § 3. The capital stock of the said corporation shall be fifteen thousand dollars, with power to increase the same to fifty thousand dollars. The capital stock shall be divided into shares of fifty dollars each, to be issued and transferred in such manner as the board of directors may direct.

Directors to control affairs. § 4. The business of the said corporation shall be managed by a board of five directors, one of whom should be president of the board, and all of whom shall be stockholders in the said corporation. The first board of directors shall consist of John Johns, L. D. Husbands, J. W. Thompson, J. V. Gould, and M. C. Rice, who shall continue in office until their successors are elected and qualified; but an election for directors shall be held by the stockholders within one year from the passage of this act, and an election shall be held once in every succeeding year for said board of directors; but all directors shall continue in office until their successors are elected and qualified. The board of directors may make by-laws for the government of said corporation. The board of directors, or any three of them named in this act, may open books and receive subscriptions at such times and on such terms as they may direct. A vacancy in the board of directors may be filled by the board until the next regular election of directors.

When directors to be elected, and term of office. § 5. The said corporation is empowered to own real estate sufficient for all necessary purposes of its operation, and may borrow money and issue its bonds, and to secure the same by mortgaging the railway and all of its property: *Provided*, That such bonds shall not exceed in value the capital stock of the corporation.

Corporation may acquire and hold real estate. § 6. The cars to be used on said street railway shall not be operated by steam without the authority and consent of the common council of Paducah.

§ 7. The capital stock of said corporation shall be subject to taxation for State, county, and municipal purposes.

§ 8. This act shall take effect from its passage.

Approved February 16, 1874.

CHAPTER 315.

1874.

AN ACT for the benefit of the sheriff of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of sixty-one dollars and eighty cents be paid to the sheriff of Cumberland county for H. M. Alexander; and the Auditor be directed to issue his warrant upon the Treasury for said sum, to be paid out of the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved February 17, 1874.

CHAPTER 317.

AN ACT to incorporate the Carlisle Academy.

WHEREAS, Sundry citizens of Carlisle and vicinity have, for the purpose of establishing a first-class academy, united in the purchase of an eligible site in said town, and have erected on said site a building suitable for said purpose; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James Meams, James Scobee, Thomas P. Tureman, W. W. Howard, W. T. Henry, and their successors in office, shall be, and they are hereby, constituted a body-politic and corporate, to have perpetual succession, and to be known by the name and style of the Trustees of the Carlisle Academy; and by that name may sue and be sued, plead and be impleaded, in any court of law or equity in this Commonwealth; and to have a common seal, and alter the same at pleasure; and they may make such by-laws, rules and regulations, for the government of said academy, and for the control of the property thereof, as they may deem proper and expedient: *Provided*, The same shall not be inconsistent with the Constitution or laws of Kentucky or of the United States.

Trustees and style of academy, & general powers.

§ 2. Said trustees shall hold their office, and shall transact all the business of the said company, until their successors are elected and qualified as hereinafter provided. A majority of the trustees of said company shall constitute a quorum to manage and transact all the business pertaining to the interests of said academy; and they shall have power to appoint some one of their body as president of the board, and in his absence may appoint a president *pro tem.*, whose duty it shall be to call the meetings of the board, and preside at such meetings. They shall

Trustees to hold office until their successors are elected and qualified—president to be chosen—clerk and treasurer, & bonds required.

1874.

also have power to appoint a clerk, a treasurer, and any other officer necessary to be appointed; and may, for good cause, remove such clerk or treasurer or other officer, and may require of the treasurer bond and security for the faithful discharge of his duties.

Capital stock \$25
per share, and
mode of voting
same.

§ 3. The capital stock of said company shall be divided into shares of fifty dollars each, and each stockholder shall be entitled to one vote for each share of stock which has been paid up, and which is owned and held by him.

Election of trustees and mode
thereof, and time.

§ 4. An election for trustees shall be held by the clerk of the board of trustees, at some place to be fixed by him within the corporate limits of Carlisle, on the first Monday in January, 1875, and on the first Monday in January in each succeeding year, of which election and the place of holding the same notice shall be given by the clerk by notice published for at least two weeks before the election in the county paper, if there be one published in the county, if none, then by written notices posted up at three public places in and near Carlisle for at least fifteen days next before such election; and the persons receiving the highest number of votes cast by the stockholders voting, either in person or by proxy, authorized in writing, at such election, when the same shall have been certified by the clerk to the board, at its next meeting, shall be declared by said board to be elected; and each trustee so elected, before he enters upon the duties of his office, shall take an oath faithfully and impartially to discharge the duties of said trustee. Should any of the trustees herein above named, or any of their successors in office, fail or refuse to act, or should the office of trustee become vacant by resignation, removal from the county, death, or from any cause whatever, a majority of the remaining trustees shall fill such vacancy until their successors shall be elected and qualified as herein provided. Should the clerk be prevented temporarily by sickness, or from any cause, from performing any or all the duties necessary in holding said election, and certifying the same to the board, then it shall be the duty of the board, at a meeting held for that purpose, to appoint some suitable person to perform such of said duties as the clerk was so prevented from performing, and whose acts done under said appointment shall have the same force and effect as if performed by the clerk himself.

Vacancies in trustees to be filled.

Eligibility of trustees.

§ 5. No person shall be eligible to the office of trustee who is not, at the time of his election by the stockholders or by the board, the owner of at least one share of stock which has been paid up in full.

Trustees to prescribe mode of selling and transfer of stock.

§ 6. The trustees shall have the power to prescribe the mode of selling and transferring the shares of stock; but

no sale or transfer of stock shall be valid without the holder of such stock shall first give to the clerk of the board of trustees two days' notice, in writing, of his intention to make such sale and transfer: *Provided*, Nothing herein shall invalidate any sale or transfer of said stock heretofore made 1874.

§ 7. Said trustees are authorized and empowered to receive subscriptions and donations in money to the capital stock of said company, which capital stock shall not exceed twenty five thousand dollars, and to be applied by them, if necessary, in purchasing other grounds in Carlisle, in addition to those now owned, and in erecting, if necessary, thereon such building or buildings in addition to that now erected, as the interests of the school may require; and also for the further purpose of procuring the necessary furniture, chemical and philosophical apparatus, books, &c., for the use of the academy. And the said trustees shall have power to collect by law all subscriptions of money to the capital stock of said company, whether heretofore or hereafter subscribed, before any court having jurisdiction of the amount subscribed. That the corporation hereby created shall have full power to acquire and hold, by purchase, gift, devise, or otherwise, all such lands, goods, chattels, money, or any other property or thing, as said trustees may think it necessary to purchase and hold, or such as may be given, devised, or bequeathed to them for the use and benefit of said academy. Said trustees shall issue to the persons entitled to the same certificates of shares of stock, to be signed by the clerk of the board, and countersigned by the president thereof; but no certificate shall be issued for any share of stock until the same has been fully paid up.

Trustees to receive subscription of stock and donations, not to exceed \$25,000, and purchase grounds for buildings, furniture, &c.

§ 8. The trustees shall meet at least once in every two months, and oftener if necessary, and they, or a majority of them, shall visit the academy at least once a month and examine into its condition, and they may, in their discretion, a majority of them concurring therein, borrow such sum or sums of money as may be necessary to discharge any indebtedness that may exist after exhausting the amount of stock subscribed and the donations or devises made, and which indebtedness was incurred in purchasing grounds or erecting said buildings or furnishing the same; and to secure the amount thus borrowed they may mortgage said grounds and buildings, and all the property, rights, and franchises of said corporation, and it shall be the duty of said trustees, as soon as practicable after the close of each academic year, to meet and to ascertain the profits, if any, arising from the manage-

Trustees to hold regular meetings, and their duties.

1874. ment of said academy after payment of such teachers as they may employ, and after the payment of other necessary expenses, and to appropriate said profits to the payment of the principal and interest thereon of the amount so borrowed until the same is fully paid off.

Trustees to employ principal & assistants, and define study and confer degrees & diplomas, &c.

§ 9. Said trustees shall have power to employ, for a period not exceeding one year at a time, a principal and such assistant teachers as they may deem necessary; and they shall have the power, if they deem it best, to rent or lease said academy grounds and buildings, &c., for any period of time not exceeding one year; and they shall have power to prescribe such course of study and such mode of instruction as they may judge best; and they are authorized to confer on such pupils in said academy as they may deem worthy, from time to time, any and all such literary honors, degrees, and diplomas as in their judgment may be proper, or as are usually conferred in like institutions of learning.

To raise means, may issue & sell bonds.

§ 10. Said trustees may, if they deem it best, in order to raise money for the purposes specified in this charter, the written consent of all the stockholders having been first obtained, issue and negotiate their company's bonds of one hundred dollars each, but not to exceed in the aggregate ten thousand dollars, which bonds shall be signed by the clerk and countersigned by the president of the board, and shall not bear a greater rate of interest than seven and one half per cent., payable semi-annually; and to secure their payment they shall have a lien on all the property, rights, and franchises of the corporation, and shall mature and be redeemable at a period not exceeding twenty years from their date.

§ 11. This act shall take effect from its passage.

Approved February 16, 1874.

CHAPTER 318.

AN ACT to incorporate the Kentucky Normal School at Carlisle.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Normal school located at Carlisle.

§ 1. That an institution of learning be, and the same is hereby, incorporated and established at Carlisle, Nicholas county, Kentucky, to be known by the name of Kentucky Normal School.

Trustees' names and corporate powers to them and their successors—may sue & be sued, &c., raise money by subscription or donation.

§ 2. That J. M. Kinney, J. H. Pifer, James Mann W. W. Fritz, J. M. Chism, and T. C. H. Vance shall be, and they and their successors in office are hereby, constituted a body-politic and corporate, to be known by the name of the Trustees of Kentucky Normal School; and by that

name shall have perpetual succession and existence, and a common seal, which they may alter at pleasure; and by said name, and in their corporate capacity, may sue and be sued, plead and be impleaded, in all courts of law and equity; contract and be contracted with; they shall have power, in the advancement of the interest of said institution, to raise money, by donation or subscription, for the purpose of purchasing, leasing, or erecting such buildings as said institution may demand.

1874.

§ 3. In the event of a vacancy in said board, by resignation, refusal to act, or otherwise, the remaining members shall fill vacancy by election.

Vacancy in trustees, how filled.

§ 4. The permanent officers of said board shall consist of a president, secretary, and treasurer. The board shall prescribe the duties and responsibilities of the officers provided for in this section; shall, in case of the death or resignation of any principal, elect his successor, with the consent of the principal; shall have power to prescribe the course of study, and to elect assistant teacher.

Officers of the institution and the duties.

§ 5. The principal shall have power to confer degrees and grant diplomas, signed by the principal, teachers, and president of the board of trustees. Graduates of the course prescribed for teachers shall have the right to teach in the common schools of the State for five years, without examination by either the State or county boards.

Principal shall have power to confer degrees, diplomas, &c.

§ 6. That the trustees shall fix a day, every three years, upon which an election by the subscribers and stockholders for trustees shall be held.

Trustees to be elected every 3 years.

§ 7. The trustees may pass by-laws, not inconsistent with the charter, for the regulation of said school.

Trustees may pass by-laws.

§ 8. This act to take effect from its passage.

Approved February 16, 1874.

CHAPTER 319.

AN ACT to amend the road laws of the counties of Boyd and Carter.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the laws in regard to roads and passways of the General Statutes shall apply to and embrace the counties of Boyd and Carter, except so far as modified by the provisions of this act.

Road laws to include Boyd and Carter.

§ 2. That persons liable to work on the public roads in said counties shall not be required to work more than four days in any year; and may, in lieu of work, pay to the surveyor seventy-five cents for each day he may be notified to work, to be paid within five days after notice.

Persons required to work, and the pay.

1874.

The money so received by surveyors shall be expended in their respective road districts, and be accounted for in the same manner that fines for failing to work are required to be expended and accounted for.

May levy tax for road purposes, & sheriff to collect and account for same.

§ 3. That the county court of said counties may, at their respective court of claims, a majority of the justices of the peace of the county concurring, levy an ad valorem tax of not exceeding six cents upon each one hundred dollars' worth of property liable to taxation within the county for revenue purposes, and require the same to be collected by the sheriff, who shall have the same power to enforce payment as in the collection of the State revenue. The sheriff shall pay the money collected in virtue of said tax as the county court may order; and shall be liable on his bond, as collector, for the faithful collection and payment of the money in the same manner as provided touching the county levy.

Tax collected to constitute bridge and road fund.

§ 4. That the tax provided for in the preceding section shall be a bridge and road fund, and expended, as the county court may direct, in building and repairing bridges, opening and repairing roads.

All laws touching roads repealed.

§ 5. All laws touching the public roads within said counties are hereby repealed, and the General Statutes as hereby modified shall be in force, except as to the towns of Ashland and Catlettsburg, in the county of Boyd; the special laws applicable to these towns are not repealed, but shall remain in full force.

§ 6. This act shall take effect May 1st, 1874.

Approved February 16, 1874.

CHAPTER 320.

AN ACT for the benefit of Achilles Nelson, trustee for Stephen Richardson, a pauper lunatic of Russell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sum of three hundred and nine dollars and forty-four cents be appropriated to Achilles Nelson, trustee of Stephen Richardson, of Russell county, and that the Auditor is hereby directed to draw his warrant upon the Treasurer for the above sum, to be paid to said Nelson for the benefit of said Stephen Richardson, a lunatic of Russell county.

§ 2. This act shall be in force from and after its passage.

Approved February 16, 1874.

CHAPTER 321.

1874.

AN ACT for the benefit of S. R. Thurman.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to issue his warrant upon the Treasurer in favor of S. R. Thurman for the sum of (\$52 32) fifty-two dollars and thirty-two cents, it being the sum allowed him for acting Commonwealth's Attorney at the Anderson circuit court, June term, June 9th, 1871, and at the Taylor circuit court, October term, October 17th, 1871.

§ 2. This act shall take effect from its passage.

Approved February 17, 1874.

CHAPTER 322.

AN ACT to amend an act, entitled "An act to authorize the sale of the Stamping Ground and Lecompt's Run Turnpike Road."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Scott circuit court may adjudge a sale of the Stamping Ground and Lecompt's Run Turnpike Road under the act to which this is an amendment, whether the purchase price therefor shall or not be sufficient to pay off the whole of the indebtedness of said road.

§ 2. That before such sale shall be adjudged to be made by said court, the directors of said road shall file an amended petition, making all the creditors of said road, who are not plaintiffs, defendants to the action, and have them served with summons in the manner provided in the Code of Practice ; and in addition to the proof already in the case, it shall be established by deposition or oral proof that the allegations of the amended petition are true.

§ 3. That if said road should not sell for enough to pay all said indebtedness, then the proceeds of sale, after paying the costs and expenses of the suit, shall be distributed among the creditors of the road in proportion to their debts.

§ 4. This act shall take effect from its passage.

Approved February 19, 1874.

CHAPTER 323.

AN ACT to authorize a sale of the Georgetown, Oxford, and Leesburgh Turnpike Road.

WHEREAS, It is represented that the Georgetown, Oxford, and Leesburgh Turnpike Road is indebted for its con-

1874. struction in a sum greater than the tolls thereon will pay, after keeping the road in repair; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Scott circuit court shall have power to adjudge a sale of that portion of said road lying between Georgetown and Oxford, upon petition filed by the directors thereof, alleging that its tolls will not pay off the debts of the road, after keeping the same in repair, and setting out all the debts owing by said road, and the persons to whom they are owing.

§ 2. All the creditors of the road shall be made parties, plaintiff or defendant, and the latter shall be summoned as provided in the Code of Practice. Before the judgment shall be entered, proof shall be made to the court, either by depositions or otherwise, establishing the truth of the allegations of the petition.

§ 3. That the purchaser of said road shall be entitled to all the rights, privileges, and franchises given to it by its charter, and shall be subject to all the liabilities, restrictions, and limitations imposed by said charter or the laws of the State; and said purchaser shall hold said road free from all indebtedness heretofore existing against said turnpike company.

§ 4. That the Scott county court, two thirds at least of the justices thereof being present, and a majority of those present concurring therein, be, and they are hereby, authorized to buy said road at said sale; and if they purchase the same, all its rights, privileges, and franchises shall belong to said county, to be managed and controlled by said court.

§ 5. That the proceeds of said sale shall be applied to the payment of the indebtedness of said road; and if there should be any surplus, after paying said indebtedness, it shall be divided pro rata among the stockholders according to their respective amounts of stock; and if there should not be enough to pay all the debts, then the proceeds of sale shall be apportioned pro rata among the creditors of the road.

§ 6. This act shall take effect from its passage.

Approved February 19, 1874.

CHAPTER 324.

1874.

AN ACT to amend an act, entitled "An act to reduce into one all acts in relation to Barbourville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, approved February 2, 1871, entitled "An act to reduce into one all the acts concerning the town of Barbourville," be amended viz: The trustees shall have power to fix the tax for coffee-house license, or any other license to sell liquors, at any sum in their discretion, not less than (\$100) one hundred dollars, and not to exceed five hundred dollars (\$500).

Trustees may fix coffee-house license.

§ 2. It shall be the duty of the trustees of said town to revoke the license of any coffee-house or saloon-keeper upon the affidavits of two responsible witnesses showing that said grocery, saloon, or coffee-house keeper has permitted any game of chance, for profit or for amusement, to be played in his grocery, saloon, or coffee-house, or has sold or given liquor of any sort to a minor, or permitted it to be sold or given in his house to such minor; and in addition thereto, to the said liquor dealer shall be responsible for any damage that may accrue to any person by reason of such sale of whisky, to be recovered by suit or warrant in any court of competent jurisdiction in this Commonwealth at the suit of the Commonwealth, and for the benefit of the party aggrieved.

License to be revoked where gambling is allowed or liquor sold to minor.

§ 3. No person shall be eligible to the position of trustee who is at the time a vendor of ardent spirits; and if one of the trustees should, after his election, become a vendor of ardent spirits, his office shall become vacated, and it will be the duty of the trustees to fill the position as in other cases of vacancy.

Liquor dealer to be responsible for damages in civil action.

No liquor dealer eligible for trustee.

§ 4. The election for trustees, police judge, and marshal shall be held on the third Saturday in February in each year, instead of the first Saturday in January as now required by law.

When election of town officers to be held.

§ 5. And whereas, on the first Saturday of January, 1874, an election was attempted to be held for police judge, town marshal, and a board of five trustees; but said election not being held as provided by said act, therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky, that on the first Saturday in February, 1874, the body now known as the trustees of said town shall, in manner and form as provided in said act, cause to be held an election for town marshal and five trustees, which election shall, in all respects, conform to said act; and said election shall, to all intents and purposes, be as legal as if held by a legal board at the time designated by said act. A police judge for said town

Trustees to order election for officers.

When police judge to be elected.

1874. shall be elected on the first Monday in August, 1874, by the qualified voters thereof.

§ 6. This act shall take effect from its passage.

Approved February 19, 1874.

CHAPTER 326.

AN ACT for the benefit of John P. Barrett, late sheriff of Ohio county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John P. Barrett, late sheriff of Ohio county, have the further time of two years from the first day of April, 1874, to collect any uncollected fee bills and any uncollected taxes due him, and which he has in anywise accounted for and paid; and said Barrett, or any one of his late deputies, shall have the same power, for said time of two years from April 1st, 1874, to distrain, levy, and sell, in the collection of any of the said fee bills and taxes due him and remaining in his hands uncollected, that sheriffs now have for the collection of fee bills and taxes; but the said Barrett and his sureties on his official bonds shall be responsible to any one injured by an illegal seizure or proceeding under the privileges of this act; and the said John P. Barrett shall be subject to all the penalties now in force by law for issuing or collecting illegal fee bills.

§ 2. This act to be in force from and after its passage.

Approved February 17, 1874.

CHAPTER 327.

AN ACT to amend an act, entitled "An act to protect the owners of land, and to prevent certain trespasses in Logan and Todd counties," approved March 20, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to protect the owners of land, and to punish certain trespasses in Logan and Todd counties," approved March 20th, 1872, be, and the same is hereby, amended by inserting after the word "fish," in line four of said section, the words "or for any other purpose not legitimate," and before the word "or" in the same line.

§ 2. This act shall be in force from its passage.

Approved February 17, 1874.

CHAPTER 328.

1874.

AN ACT for the benefit of L. P. Linley, late sheriff of McLean county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That L. P. Linley, former sheriff of McLean county, be, and he is hereby, allowed the further time of two years, from and after the passage of this act, to collect and distrain for all taxes, both revenue and railroad, and fee bills due him; and shall be entitled to all the rights and privileges which were allowed him by law in collecting said taxes at the time same were due: *Provided, however,* Said sheriff shall be subject to all the pains and penalties now provided and imposed by law from issuing, distraining for, and collecting illegal taxes and fee bills.

§ 2. This act to take effect from and after its passage.

Approved February 17, 1874.

CHAPTER 329.

AN ACT to amend an act, entitled "An act to amend the charter of the town of Hartford."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the fourth section of the act to which this is an amendment be so amended that the town marshal of the town of Hartford shall be, *ex-officio*, collector of all taxes levied by the trustees of said town; and he is hereby vested with the same power to distrain, levy, and sell property for all taxes due and to become due the said town of Hartford, that sheriffs have under the revenue laws of this Commonwealth.

§ 2. Said marshal shall receive for his services the same commission that sheriffs now receive for the collection of the revenue; and shall be liable on his official bond for all taxes listed for collection in the same manner that sheriffs are liable under the laws of the State; and suit on his bond may be instituted, in the name of "The Trustees of the Town of Hartford," in any court having jurisdiction.

§ 3. This act shall be in force from and after its passage.

Approved February 17, 1874.

1874.

CHAPTER 330.

AN ACT authorizing the Owen county court to levy a tax and issue bonds for bridge purposes.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Ad valorem and poll tax authorized, and mode of collecting.

§ 1. That the county court of Owen county, a majority of the justices in commission concurring, shall have power to levy and collect an ad valorem tax on all the real and personal property of the county subject to State tax, not exceeding ten cents on the hundred dollars' worth in any one year, and a poll-tax not exceeding three (\$3) dollars on each tithe in said county. Said ad valorem and poll-tax shall be collected by the sheriff of Owen county in the same manner, and at the same time, that the revenue tax is collected; and he shall be liable on his bond as sheriff for the faithful collection and disbursement of the money.

Tax a fund to pay debt to bridge company, and to construct bridges.

§ 2. Said tax, when collected, shall constitute a fund to pay off the debt of the county, incurred by her subscription to the Eagle, Owen, and Carroll Bridge Company; also to construct bridges across Eagle creek at Sparta, Glencoe, and at Lee's old mills.

County judge and justices to levy tax and to borrow money and issue bonds.

§ 3. The presiding judge of said county may, at the February or March term of the Owen county court, cause the justices of said county to meet for the purpose of levying the tax herein specified for the year 1874. Said tax shall be imposed for subsequent years by the justices at the court of claims for said county; and the said county court is hereby authorized to borrow a sufficient amount of money to pay said indebtedness and appropriations, and issue bonds, not to exceed fifteen thousand dollars, bearing not exceeding ten per cent. interest per annum from date, and redeemable in one or five years, at the option of the county court.

Powers delegated to cease when object specified attained.

§ 4. The power herein vested in the county court shall cease so soon as the object specified in section first of this act shall have been accomplished.

§ 5. This act shall be in force from its passage.

Approved February 17, 1874.

CHAPTER 331.

AN ACT for the benefit of John Wallace, clerk of the Boone circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years, from the date of this act, be granted to John Wallace, clerk of the Boone circuit court, for the collection of fee bills, and that during

the said two years he shall have power to distrain for the collection of the same: *Provided, however,* That he shall not be relieved from the pains and penalties attached to the collection of fee bills as provided in the General Statutes.

1874.

§ 2. This act to be in effect from its passage.

Approved February 17, 1874.

CHAPTER 332.

AN ACT for the benefit of Wiley J. Coffee and his sureties.

WHEREAS, It is represented to this General Assembly that at the February term, 1864, of the Franklin circuit court, judgment was rendered against Wiley J. Coffee, and his sureties in his official bond, for the revenue due from Magoffin county for the year 1863, with damages and interest thereon; no execution ever being placed in the hands of a collecting officer to enforce the collection of said judgment, nor no execution having issued on the said judgment since the year 1867, and the full balance of said revenue being paid up on the 18th day of February, 1867. It is further represented to this General Assembly that since the rendition of said judgment the said Wiley J. Coffee and all his said sureties have become hopelessly insolvent, except two; and if collection of said damages and interest is enforced, the two solvent sureties will have the whole burden to bear and be left without remedy against said Coffee or their co-sureties, or any one; and whereas, doubts exist as to whether limitation has run against the collection of said damages and interest or not; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the damages and interest on the judgment rendered by the Franklin circuit court, at its February term, 1864, against Wiley J. Coffee and his sureties on his official bond, for the revenue due from Magoffin county for the year 1863, be, and the same is hereby, forever remitted and released; and the said Wiley J. Coffee and his sureties aforesaid are hereby released from the payment of said damages and interest, and the Auditor of Public Accounts is hereby directed to enter in the proper books of his office full satisfaction of the same

Interest and
damages re-
leased.

§ 2. This act shall take effect from and after its passage.

• Approved February 17, 1874.

AN ACT to incorporate Petersburg Cemetery Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Petersburg
Cemetery Com-
pany organized;
may pass by-
laws and regula-
tions.

§ 1. That W. H. Terrill, I. H. McWethy, James Bradley, Charles Schramm, and W. E. Grant, their successors and assigns, be, and they are hereby, constituted a body-corporate and politic, under the name and style of Petersburg Cemetery Company; to have perpetual succession; may sue and be sued, contract and be contracted with, plead and be impleaded, defend and be defended against, in all courts of this Commonwealth and elsewhere; may establish such by-laws, rules and regulations, as they may deem expedient for the government, arrangement, and election of its officers, make and alter its by-laws, and do all other things and acts necessary and proper for effecting the object of their corporation, which is to provide a repose for the dead: *Provided, however,* They do not act inconsistent with the laws of this State or of the United States.

May purchase,
acquire, and hold
property for
cemetery pur-
poses, not ex-
ceeding ten acres,
and locate same.

§ 2. Said corporation shall have power to purchase, take by gift, hold, transfer, and sell, exclusively for burying purposes, such tract or tracts of land, not to exceed ten (10) acres, to be located within one (1) mile of the town of Petersburg, which shall be forever free from any interference of turnpikes, railroads, or other public improvements, unless by the unanimous consent of the directory. May improve the same by avenues, walks, embellishments, and adornments; may subdivide the grounds in suitable lots for graves or vaults, and may sell the same at pleasure, which lots shall be used exclusively for burial purposes and no other, except such portion of said grounds as the directors may see fit to appropriate to horticultural purposes, and to beautifying and adorning the grounds; and said tracts or lots of land are hereby forever dedicated and set apart, to be held by said corporation, their associates, successors, and assigns, for the purpose aforesaid and no other. Said cemetery grounds and all lots in said cemetery shall be forever free from attachment or sale for debt, and shall be forever free from State, county, railroad, turnpike, or other taxes; and no public road or passway, except for the use of said cemetery, shall at any time be opened through or over said cemetery grounds, or any part thereof.

Affairs to be
managed by six
trustees and their
successors to be
elected.

§ 3. The affairs of this corporation shall be managed by W. H. Terrill, I. H. McWethy, James Bradley, Chas. Schramm, and W. E. Grant, acting as a board of trustees, and they may hold office and continue as such trustees until the first Saturday in April, 1875, and until their

successors are duly elected and qualified; and they shall put up a written notice in the town of Petersburg one week before the time of each election for trustees, and the elections shall take place on the first Saturday in April of each year.

1874.

§ 4. The board of trustees elected to succeed the board appointed by this charter shall consist of six (6) male citizens of the county of Boone, State of Kentucky, and lot-owners in the Petersburg Cemetery; two of whom shall be annually elected by the lot-owners voting in person as hereinafter provided, four of whom shall constitute a quorum to transact business.

Trustees first
elected, and mode
of changes.

§ 5. The board of trustees elected as aforesaid in April, 1875, shall, at their first meeting after their election and qualification, divide themselves by lot into three equal classes: the first class shall go out of office on the first Saturday in April, 1876; the second class on the first Saturday in April, 1877; the third class on the first Saturday in April, 1878; and thereafter one third of the said board of trustees shall go out of office every year, subject to re-election. All vacancies occurring in the board of trustees between the annual elections shall be filled until that day by the board. Failure to accept the office, and qualify within four weeks after being elected, death, resignation, or removal from Boone county, shall vacate the office of trustee. At their said first meeting after their election in April, 1875, the board of trustees shall elect one of their number as chairman and another as vice chairman. They shall also elect a secretary and treasurer, and appoint a superintendent. The board may allow any of the last three mentioned officers a reasonable compensation, and also require the treasurer to give bond.

To hold by lot,
and mode of fill-
ing vacancies in
board of trustees.

Officers & their
duties.

§ 6. At the annual election of the board of trustees each person holding a certificate of title to a lot or lots in the Petersburg Cemetery, regularly authenticated by the chairman and secretary, shall be entitled to a vote. When the title of a lot or lots is invested in more than one person, the owners shall determine which of them shall cast their vote; when lots are owned and held by decedent's estate, the legal representatives of such decedents shall be the proper person to cast the votes for such estates. The officers of the election shall be appointed by the board of trustees.

Persons entitled
to vote for trustee.

§ 7. Each trustee, before entering upon the duties of his office, shall make oath, before some officer competent to administer the same, that he will faithfully and impartially discharge the duties of a trustee according to the best of his abilities.

Trustee to take
oath.

1874.

Trustees' duties
defined in regard
to burials, orna-
menting grounds,
&c.

§ 8. The board of trustees of said cemetery shall, at all times, have power to enter, by themselves or their agents, upon any lot or lots within the bounds of the cemetery grounds; and to remove therefrom any improper or unseemly monuments, fixtures, shrubbery, trees, or other matter which may be placed thereon against the by-laws, rules and regulations, of the corporation.

Penalty for viola-
ting by-laws
fixed.

§ 9. That should any person go inside the inclosed grounds of the cemetery company, except through the gates made for that purpose, or go therein contrary to the by-laws, rules and regulations, of the board of trustees. or unlawfully deface, cut, or otherwise injure any tombstone, tablet, monument, vault, tree, shrub, flower, or ornament in said cemetery, or sit upon the graves, walks, or grounds without permission of the sexton, or pass across the lots, or ride or drive upon the walks or across the grounds, except along upon the avenues, or participate in boisterous conversation or angry discussions, or use profane language, or without right and consent of the board of trustees or their agents disinter any body buried therein, or in any manner violate and offend against any of the provisions of this act, or against any of the by-laws, rules and regulations, of said corporation, enacted by the board of trustees for the conduct and government of the cemetery grounds, and not inconsistent with the laws of the State, besides being liable to an indictment for misdemeanor, and punishable therefor according to the discretion of a jury, said company shall be entitled to recover damages, for any trespass named in this act, of not less than two dollars nor more than five hundred dollars. All actions at law for violations of any of the provisions of the laws incorporating the company, and any of the by-laws, rules and regulations, of said corporation, shall be had before a magistrate of Boone county, the presiding judge of the Boone county court, or the Boone circuit court, in the name of the Petersburg Cemetery Company; and all fines imposed and collected shall be for the benefit of said company, and shall be paid over to their treasurer; and where such fines shall be for damages committed the proceeds thereof shall be used to repair, as far as possible, the injury that was committed. The sexton of said cemetery shall have full power to arrest any parties charged with having committed any of the above mentioned misdemeanors, and bring them before one of the aforesaid courts to be tried.

§ 10. This act shall take effect from and after its passage.

Approved February 17, 1874.

CHAPTER 334.

1874.

AN ACT, to provide for the payment of expenses incurred by the Ohio county court in taking care of a pauper lunatic.

WHEREAS, Thomas E. Brown, a pauper, was, by a legal inquest, found to be a lunatic, in Ohio county, and was ordered by the county judge of said Ohio county court to the Western Lunatic Asylum at Hopkinsville, but was failed to be admitted because said asylum was full; and on account of his condition, and being no other place suitable, he was ordered to be placed in the poor-house of said county, and was so placed there on the 13th day of May, 1872, and has been an inmate of said poor-house ever since, and to the present date; and further, said lunatic has been provided by said county court with suitable diet, lodgings, and medical attention up to and including this date, and is still an inmate of said institution; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the county judge of Ohio county is hereby authorized to certify to the Auditor of Kentucky the expenses incurred in taking care of said Thomas E. Brown from the 13th day of May, 1872, the time of his commitment to the poor-house, until the 1st day of October, 1873; and thereupon the Auditor shall draw his warrant upon the Treasurer of the State of Kentucky in favor of the county court of Ohio county for the amount that may be due said county aforesaid: *Provided, however,* It shall not exceed two hundred and seventy dollars.

County judge to certify amount expended, and Auditor to pay claim.

§ 2. This act shall take effect from its passage.

Approved February 19, 1874.

CHAPTER 335.

AN ACT for the benefit of school district No. 68, in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the school commissioner for Madison county be, and he is hereby, allowed to make his report for school district No. 68, in Madison county, showing the number of children in said district within the school age for the year 1873, to the Superintendent of Public Instruction, and when the same shall be made, the Superintendent of Public Instruction shall transmit a copy of same to the Auditor, whereupon the Auditor shall draw his warrant on the Treasurer in favor of the school commissioner of Madison county for the amount due said district No. 68, in Madison county, for the school taught in 1873,

School commissioner to make report of school in said district for 1873, and auditor to pay claim.

1874. as shown by the report herein authorized to be made. The aforesaid amount of money shall be paid out of any surplus belonging to Madison county; and if there be no such surplus, then to be paid out of the bonded surplus to the credit of said county; and when received by the school commissioner of Madison county, it shall be used in paying for the school taught in the year 1873.
- § 2. This act shall take effect from its passage.

Approved February 19, 1874.

CHAPTER 336.

AN ACT to amend the charter of the town of Mt. Carmel, in Fleming county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees to compel owners to grade and pave streets.

Where owners fail to comply with order, trustees may have work done and recover expense.

May prevent hogs, &c., from going at large.

§ 1. That the trustees of said town shall have power to compel the owners of town lots in said town to grade and pave a footwalk in front of their lots with good brick or rock, according to the direction of the trustees, taking into consideration the ability of the owners to pay; the footwalk not to be less than eight feet wide, and when, in the opinion of the trustees, it is necessary to repair the pavements already made; and if the owner of any lot shall fail or refuse, after reasonable notice is given to him or her by said trustees, to make or repair said pavement or footwalk, the trustees may cause the same to be made or repaired, and receive the expenses thereof by suit from the owner of the lot, and shall have a lien upon the lot for the amount expended in making or repairing the pavement or sidewalk. If the owner of any lot, before which the trustees may cause the improvement in this section above specified to be made, shall not reside in Mount Carmel, then the notice required by this section shall be served upon him in writing, delivered to him, or posted in two public places in said town for one month. The notice shall be signed by the president of the board.

§ 2. That said trustees shall have authority to pass and enforce an ordinance to prevent hogs and cattle from running at large in the streets and alleys of said town.

§ 3. This act shall take effect and be in force from its passage.

Approved February 19, 1874.

CHAPTER 337.

1874.

AN ACT for the benefit of Mrs. Mary Davis, of Livingston county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the State Treasurer in favor of Mrs. Mary Davis for the sum of one hundred dollars, for taking care of and supporting Chas. Clifford Davis, a pauper colored idiot, up to the first day of January, 1874.

§ 2. This act to take effect from and after its passage.

Approved February 19, 1874.

CHAPTER 338.

AN ACT for the benefit of W. R. Stringer, Livingston county.

WHEREAS, W. R. Stringer was duly appointed and qualified as a committee for John W. Dunford, a pauper lunatic, and was, by an act of the Legislature, allowed compensation to the 28th day of March, 1872; and whereas, W. R. Stringer did as such committee continue to take charge of, support, and clothe said Dunford from the 28th day of March, 1872, to the 21st day of February, 1873, a period of ten months and twenty-four days; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The Auditor of Public Accounts is hereby directed to draw his warrant on the Treasurer for the sum of one hundred and eighty dollars, in favor of W. R. Stringer, of Livingston county, out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from and after its passage.

Approved February 19, 1874.

CHAPTER 339.

AN ACT for the benefit of Ulysses Garred, of Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of Ulysses Garred, of the county of Lawrence, for the sum of one hundred dollars, for his services in taking care of Gabe Garred, colored, a pauper idiot, for two years preceding the 1st day of January,

1874. 1873. Said warrant shall be paid by the Treasurer out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 19, 1874.

CHAPTER 340.

AN ACT to amend an act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act, entitled "An act for the benefit of the Stoner Mouth Presbyterian Church, Bourbon county," approved March 12th, 1873, the trustees appointed by said act having failed to discharge the duties imposed by said act, in consequence of there being a large graveyard on said church property, which would be left unprotected, be, and the same is, so amended as to read as follows:

Title to vest in certain trustees.

Trustees to sell vacant lands and inclose graveyard with proceeds of sale.

Sale heretofore made confirmed.

Remainder of sale money to be invested to keep up repairs on graveyard.

Vacancies in board of trustees to be filled by county court.

§ 1. That all the property, real and personal, of the Stoner Mouth congregation, the said congregation being dissolved and the property abandoned, shall vest in Willis Collins, James H. Ardery, and John I. Moore, as trustees for the graveyard on the said church lot. The said trustees shall proceed to sell and convey all the vacant land outside of the present limits of the graveyard, and with the proceeds of said sale, and the money arising from the sale of the ruins of the old church building, shall inclose said graveyard with a substantial stone wall.

§ 2. That the sale of the ruins of the old church building made by Willis Collins to T. E. Moore be confirmed; and the trustees are authorized to collect the money for said sale, and use it as directed in section one of this act; and should there be any surplus of money left, after building the wall, the trustees shall account to the Bourbon county court for the same, and shall, under the direction of said court, invest the same in county bonds, or loan the money with good security, and shall annually, from the interest arising therefrom, have said graveyard cleaned up and repair the walls.

§ 3. The trustees shall hold the graveyard as such in perpetuity; and in case of resignation, death, or removal of either or all of said trustees, the vacancy shall be filled by the Bourbon county court.

§ 4. This act shall take effect from its passage.

Approved February 19, 1874.

CHAPTER 341.

1874.

AN ACT to amend the charter of the city of Dayton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the city of Dayton be, and the same is hereby, so amended that the city council of said city shall have power and authority to increase the bonded indebtedness of said city to an amount not to exceed one hundred thousand dollars, said bonds to be issued upon the same terms and conditions as the bonds heretofore authorized by said charter; but in no case shall the debt of the city of Dayton, in bonds, orders, or contracts, be greater than one hundred thousand dollars at any time; and should any appropriation, contract, or liability be incurred in excess of said one hundred thousand dollars, the same shall be void as against the city, but it shall be binding jointly and severally upon the members of the city council who, being present, shall fail to have recorded upon the journal their votes against said appropriation, contract, or liability. And hereafter the city treasurer shall receive no per cent. upon the receipts arising out of the sale of the bonds of said city of Dayton.

City council may increase debt of city.

§ 2. That hereafter the city council of said city shall not enter into any contract or award any contract for a sum greater than five hundred dollars, except for the improvement of streets, upon the petition of property-owners, without first submitting the subject to a vote of all the qualified voters of said city; and unless a majority of the votes cast are in favor of the expenditure, the contract shall not be made.

Contracts for work over \$500 to be submitted to people.

§ 3. That there shall be no election for councilmen in said city on the second Monday in March, 1874, and that the two councilmen from each ward in said city, who were elected on the second Monday in March, 1873, to hold office for one year, shall retire from the council at the expiration of the year for which they were elected, thereby leaving but two councilmen from each ward to serve for the fiscal year ending on the second Monday in March, 1875.

Not to be an election for councilmen in March, 1874.

§ 4. That hereafter there shall be but one assessor for the city of Dayton, who shall be elected by all of the qualified voters of said city, and shall serve for one year, or until his successor is elected and qualified.

Assessor to be elected by people.

§ 5. That on the first Monday in August, 1874, there shall be elected three commissioners, one to be elected from each ward in said city, whose duty it shall be to redistrict and divide said city into four wards; and each ward shall contain, as near as possible, without dividing squares or blocks, an equal number of voters. And on or before the first Monday in January, 1875, said commis-

Commissioners to be elected to divide city into four wards.

1874.

Commissioners
to make report.

When redistrict-
ing to take effect.

Qualifications of
commissioners.

Upon petition
council may order
improvement of
streets and alleys.

Additional duties
imposed on mar-
shal, and his fees
for same.

Marshal to make
monthly report to
city clerk.

Marshal to exe-
cute bond.

Council to ap-
point police, and
their powers,
duties, qualifica-
tions and fees.

sioners shall file with the city clerk a detailed statement of their work, and a correct description of the four wards, as divided by them; and on or before the third Monday in January, 1875, the city clerk shall cause certified copies of the boundaries and description of said wards to be printed and posted in all parts of said city; and said redistricting shall go into effect on the second Monday in March, 1875, and the regular annual municipal election shall be held in the four new wards on that day. And said wards shall not be changed except by the election of commissioners as herein provided. Said commissioners shall have the same qualifications as members of the city council, and shall receive no compensation for their services.

§ 6. That the city council of said city shall, on petition of the property-holders on any street or alley owning the majority of front feet between two points proposed to be improved, direct the improvement as petitioned for; and the whole cost of said improvement shall be paid for by the property-holders owning property abutting or fronting on said improved portion, except the intersections, which shall be paid for by the city of Dayton.

§ 7. That on and after the first Monday in August, 1874, the marshal of the city of Dayton shall be *ex-officio* wharf-master, street commissioner, and delinquent tax collector; for his services as marshal he shall receive, in addition to the fees heretofore allowed by law, the sum of ten dollars per month; for his services as street commissioner he shall receive two dollars per day for actual work performed, under the direction of the street committee, who shall approve all of his accounts; for his services as wharf-master and delinquent tax collector he shall receive ten per cent. of all money that he shall collect and pay over to the city treasurer; and on or before the tenth day of each month he shall file with the city clerk a detailed statement of his services and collections for the preceding month; and for the faithful performance of his duties, all and severally according to law, he shall execute a bond, payable to the city of Dayton, with good security, to be approved by the city council, and said bond shall not be for a less sum than five thousand dollars.

§ 8. That the council of said city shall have power and authority to appoint an equal number of policemen in each ward; but said number shall not exceed ten in each ward; they shall have the same qualifications as members of the city council; they shall have the same powers that the marshal of said city now has; they shall be governed by and appointed under such rules and regulations as said council may prescribe; and they shall receive the same fees that the marshal now receives; and

no other compensation shall be allowed them by the city of Dayton. 1874.

§ 9. That hereafter the city council shall not levy or collect any tax upon the tithables in said city; but said council shall have full power and authority to compel the property-holders owning property, fronting or abutting any improved street or alley in said city, to keep clean and unobstructed the gutters in front of their property; and in case of a neglect or refusal on the part of such property-holders, or any of them, to obey such mandate, then said council shall have said gutters cleaned by the street commissioner, and assess a special tax upon the property fronting or abutting such gutter so cleaned, to defray the expense and cost of collection, and said tax shall be collected in the manner heretofore provided by law for the collection of special taxes.

Tax on tithables abolished.

Council may compel owners to keep streets, &c., clean.

Proceedings where owners fail to discharge duty

§ 10. That hereafter the president of the city council of said city shall receive no compensation for any service that he may render to said city during his term of office.

President of council not to receive compensation.

§ 11. That on the second Monday in March, 1875, there shall be elected in each ward of said city two councilmen, one to serve for two years, and one to serve for one year, or until their successors are elected and qualified, and annually thereafter there shall be elected in each ward of said city, one councilman to serve for two years, or until their successors are elected and qualified; said councilmen shall be voters of the city for one year next before their election, and shall be freeholders in said city; and said councilmen shall receive no compensation for any service that they may render to the city of Dayton during their terms of office.

When councilmen to be elected, and their term of office.

Not to receive compensation.

§ 12. That on the second Monday in March, 1874, and annually thereafter, there shall be elected a city attorney, who shall have the same qualifications as members of the city council, he shall receive an annual salary of three hundred dollars. He shall be the legal adviser of the city council and of the city officers in matters pertaining to the interests of the city. He shall prosecute in the mayor's court in such cases as the president of the council or the mayor may require of him. He shall be present at all the regular meetings of the council, and shall prepare such contracts on behalf of the city as may be necessary. It shall be the duty of the city attorney, at least once in each calendar month, to examine carefully the docket of the mayor's court, and to ascertain therefrom all fines, forfeitures, and penalties on recognizances or penal bonds which may have been assessed or recovered in the courts of the mayor for use of the city during the month next

When city attorney to be elected; his qualifications & compensation.

Duties of attorney.

1874.

preceding such examination; and the names of the officer or officers to whose hands the execution may have been committed, or to whom the amount thereof may have been paid; and the said attorney shall report, in writing, to the city council, at its first regular meeting of each month, the result of such examination so made by him, showing the amount of each fine, penalty, or forfeiture assessed or recovered; and the name of the officer to whose hand the execution therefrom may have come, or to whom the amount thereof may have been paid. He shall attend to all of the legal affairs of the city of Dayton, within the county of Campbell. That it shall be the duty of the city attorney to prepare the deeds from the city for lots sold for delinquent taxes; and there shall be assessed against the delinquent tax-payer a fee of two dollars and fifty cents for each lot sold, as costs for the city attorney, who shall prosecute before the mayor for sale of lots every such delinquent; in no case shall the fee assessed against the city, or be paid out of the city funds. He shall, before entering on the duties of his office, execute a bond in the sum of two thousand dollars, payable to the city of Dayton, with good security, to be approved by the city council, for the faithful performance of his duties according to law.

Attorney to give bond.

§ 13. That on the second Monday in March, 1875, and annually thereafter, there shall be elected a city clerk and city treasurer; they shall have the same qualifications as members of the city council. The city council shall furnish the city clerk with a suitable and comfortable office, furniture, books, stationery, and fuel. His duties shall be the same as those already prescribed by law, except that he shall only be compelled to keep his office open during two days in each week, which shall be fixed by the city council. He shall receive an annual salary of four hundred dollars per year. He shall, before entering upon the duties of his office, execute the same bond as that required of the city attorney; and the city treasurer shall receive an annual salary of two hundred and fifty dollars.

City clerk and treasurer — when elected and qualifications.

Duties of clerk.

Salary.

Clerk to give bond.

Salary of treasurer.

§ 14. That the mayor's court of the city of Dayton shall be a court of record; and shall have an official seal; and the mayor of said city shall be the custodian of said seal; and the mayor shall be *ex-officio* clerk of said court; but he shall have the power and authority to appoint a deputy clerk, who shall receive no compensation from the city of Dayton.

Mayor's court to be court of record.

§ 15. That on the second Monday in March, 1874, there shall be elected in each ward of said city two members of the board of education, one to serve for two years, and one to serve for one year, or until their successors are

Board of education — when elected, and term of office, and qualifications.

elected and qualified; and annually thereafter there shall be elected in each ward of said city one member of the board of education to serve for two years, or until their successors are elected and qualified. The members of the board of education of said city shall have the same qualifications as members of the city council. 1874.

§ 16. That the boundaries of the city of Dayton be, and the same are hereby, so extended as to include within the corporate limits of said city the subdivision of land adjoining said city lately laid out in town lots, streets, and alleys, by H. B. Gilmore, and platted and recorded in the county court clerk's office of Campbell county, and containing about five acres of land, situated and bounded as follows, viz: fronting on the south side of Fairfield avenue five hundred and fifty-eight feet, and extending southerly between O'Fallon avenue and Walnut street, three hundred and ninety feet, to the southern line of Gilmore avenue. And the same shall be within the jurisdiction of the authorities and subject to all laws pertaining to said city of Dayton. Boundary extended.

§ 17. That all laws in conflict herewith are hereby repealed.

§ 18. That this act shall take effect and be in force from and after its passage.

Approved February 20, 1874.

CHAPTER 342.

AN ACT for the benefit of B. L. C. Dossey, of Monroe county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the Treasurer for the sum of fifty-four dollars and fifty-four cents, payable to B. L. C. Dossey, for services rendered as school teacher in district No. 38, Monroe county, for the school year 1873.

§ 2. That this sum be charged against the school fund due Monroe county, Kentucky, for the year 1873.

§ 3. This act to take effect from and after its passage.

Approved February 19, 1874.

CHAPTER 343.

AN ACT for the benefit of the lessees of the Gem, in the town of Franklin, Kentucky.

WHEREAS, The lessees of the "Gem," in the town of Franklin, Kentucky, having leased certain property in

1874.

said town of Franklin, under the old law, for the purpose of carrying on the saloon and billiard business—

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present lessees of the "Gem" be permitted to continue their billiard-room adjacent to their bar-room until the expiration of their present lease: *Provided*, That this act shall not extend beyond two years.

§ 2. That this act shall take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 345.

AN ACT for the benefit of Bennetta Madison.

WHEREAS, Bennetta Madison was, at the November term, 1867, of the Butler circuit court, found to be a pauper idiot, and at the November term of said court, 1873, found to be still a pauper idiot, thus leaving an interval of twelve months for which nothing can be drawn for her support; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there be, and is hereby, appropriated fifty dollars for the benefit of said Bennetta Madison, to be paid to her committee, P. R. Phelps; and the Auditor is directed to draw his warrant upon the Treasurer for fifty dollars, payable to said Phelps, to be paid out of any money not otherwise appropriated.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 20, 1874.

CHAPTER 346.

AN ACT to punish trespassers on real estate in the county of Shelby.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person, in the county of Shelby, to hunt with dog and gun, or either, on any lands in said county, without the consent of the owner thereof.

§ 2. That it shall be unlawful for any one to fish in any pond or pool in the county of Shelby, without the consent of the owner thereof.

Made unlawful to hunt on lands without owner's consent.

Unlawful to fish in ponds without owner's consent.

§ 3. Any person guilty of a violation of the provisions of this act may be fined in any sum not less than five nor more than ten dollars, to be recovered by warrant before a justice of the peace; and, in default of payment, may be confined in the county jail at the rate of two dollars per day until the fine is paid. 1874.

Penalty.

§ 4. The fines collected under this act, if any, shall be first applied to the payment of the jail fees under this act, if any. How fines to be disposed of.

§ 5. This act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 347.

AN ACT to amend an act, entitled "An act to prevent live stock of all kinds from running at large in Mason and Fleming counties."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to prevent live stock of all kinds from running at large in Mason and Fleming counties," approved April 9th, 1873, as applies to Fleming county, be, and the same is hereby, repealed.

§ 2. This act to take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 348.

AN ACT to amend an act, entitled "An act to incorporate the Richmond and Big Hill Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Richmond and Big Hill Turnpike Road Company," approved March 1st, 1854, be, and the same is hereby, amended so as to authorize said company to extend the road, as described in said original act, from the foot of Big Hill, near the residence of Silas Newland, to the cross roads near John Pittman's, with all the privileges, powers, and authority in building and operating said extension as have been exercised or granted under the act which authorized the construction of that part of the road now completed. Road may be extended.

§ 2. This act shall take effect from its passage.

Approved February 20, 1874.

1874.

CHAPTER 349.

AN ACT to amend the act, entitled "An act to incorporate the River Road Company," approved March 3, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company may
sell lot.

§ 1. That the act, entitled "An act to incorporate the River Road Company," approved March 3d, 1860, be, and the same is hereby, so amended as to give full power and authority in the managers and directors of said company to sell and convey to any person or corporation the lot of land on which said company formerly erected a toll-gate house about one mile east of the Beargrass Cut-off, or any other lots or land which they may hold; and that said land, and the conveyance thereof, shall in nowise be affected by the provision of the general law, chapter one hundred and ten.

§ 2. That this act shall take effect and be in full force from and after its passage.

Approved February 20, 1874.

CHAPTER 350.

AN ACT to amend the charter of the Mt. Sterling and Howard's Mill Turnpike Road Company.

WHEREAS, The Mt. Sterling and Howard's Mill Turnpike Road Company have completed about three and one fourth miles of the road contemplated by their charter, and the same is being used and gradually impaired by travel; and whereas, there is no toll-gate erected on the same; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company may
erect gate and
collect toll.

§ 1. That said company shall have the right to erect, at such point on their road as they may select, a toll-gate, and collect full toll thereat.

§ 2. That this act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 351.

AN ACT to amend an act, entitled "An act to incorporate the Columbia and Burksville Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of section seventeen of an act, entitled "An act to incorporate the Columbia and Burks-

ville Turnpike Road Company," approved February 16th, 1864, be, and the same are hereby, extended and continued in force for three years from the first day of January, 1874. 1874.

§ 2. This act to take effect from its passage.

Approved February 20, 1874.

CHAPTER 352.

AN ACT to incorporate the Shiloh Church and Pitman Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company be, and is hereby, incorporated, under the name of the "Shiloh Church and Pitman Creek Turnpike Road Company;" and by said name and style shall have perpetual succession, and may sue and be sued, plead and be impleaded; and as such is hereby vested with all the powers enjoyed by similar corporations in this Commonwealth.

Name and style.

Corporate powers.

§ 2. The following persons are appointed commissioners to receive subscriptions of stock to said company, viz: J. W. Lively, Charles Patterson, William Burress, R. Cowherd, James Edwards, W. H. Cowherd, and R. D. Davis.

Commissioners' names.

§ 3. The capital stock of said road shall not exceed ten thousand dollars, and shall be divided into shares of fifty dollars each.

Capital stock.

§ 4. Said company is authorized to make a macadamized, gravel, or other artificial road, commencing at a point on the pike leading from Campbellsville to Greensburg, at or near Shiloh Church, in Taylor county, and thence to the ford on Big Pitman creek, near Mrs. Thurman's, at the crossing of the Lexington and Nashville road; the route to be chosen by the commissioners or the president and directors of the road.

Where road to run.

§ 5. That the president and directors shall be elected annually by the stockholders, voting by shares of fifty dollars each, to continue in office until their successors shall be sworn in.

Board of directors to be elected, a term of office.

§ 6. That all provisions of an act, entitled "An act to incorporate the Springfield, Maxville, and Harrodsburg Turnpike Road Company," approved February 21st, 1849, after the second section of said act, are hereby referred to and made part of this act, as fully as if herein again re-enacted, except where already provided for by this act; and the said act, so far as the provisions of the

Provisions of act of February 21, 1849, made applicable.

1874.

same are applicable to the objects and intents of this act, be, and are hereby, adopted.

When toll-gate
may be erected.

§ 7. That where four continuous miles of said road are completed, the president and directors are authorized to erect, or have erected thereon, a toll-gate and house, and charge, collect, and receive from any person traveling thereon such tolls as are now authorized by law; and for that purpose they are authorized to condemn, or have legally condemned, the necessary quantity of land, situated upon said road, to erect the same.

May condemn
lands for toll-
house.

§ 8. This act to be in force from its passage.

Approved February 20, 1874.

CHAPTER 353.

AN ACT for the benefit of Sarah Virginia Musselman and her infant children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor be, and he is hereby, authorized and directed to collect the original amount of the State taxes due from Sarah Virginia Musselman and her infant children on a certain house and lot in the city of Covington for the years 1871 and 1872, with interest at the rate of ten per cent. per annum, on the amount due respectively for said two years, from and after the time the same was due and owing the State; and when so paid it shall be taken and considered as payment in full for the taxes on said house and lot for said two years; and the sale made of said house and lot is hereby set aside and canceled, and the title to the same reinvested in the said Sarah Virginia Musselman and her infant children: *Provided*, The payment of the original amount of said taxes, and the ten per cent. interest, is paid within sixty days from and after the passage of this act.

§ 2. This act shall take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 354.

AN ACT to create the Bullitt County Turnpike Corporation.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Jilson P. Johnson, Richard H. Field, George S. Shanklin, Westly Phelps, John F. Shanklin, Beverly B. Summers, Thomas C. Coleman, and Henry C. Pindell,

having purchased the Bullitt County Turnpike Road, are hereby incorporated in the name of the Bullitt County Turnpike Corporation; and as such may own and operate said road with all the rights, privileges, and franchises, and subject to all the laws, rules, and obligations of the Bullitt County Turnpike Road Company; and may divide their capital stock into shares as they may deem proper, and the same may be transferred according to the by-laws of the company. 1874.

Approved February 20, 1874.

CHAPTER 355.

AN ACT to revive an act to incorporate the Springfield and Harrodsburg Turnpike Road Company.

-Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Springfield, Maxville, and Harrodsburg Turnpike Road Company," be, and the same is hereby, extended and continued in its operation; and in addition to present commissioners the following named persons are appointed: James McMullen, Samuel Bottoms, John Robinson, T. J. Montgomery, Wm. Smith, and Henry Fenwick

§ 2. This act shall be in force from and after its passage.

Approved February 20, 1874.

CHAPTER 356.

AN ACT to amend an act, entitled "An act to incorporate the town of Glenville, in Adair county."

-Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section (5) five of an act, entitled "An act to incorporate the town of Glenville, in Adair county," be amended by substituting the word "three" for the word "five" where it occurs in said section, so that the fiscal, prudential, and municipal affairs of said town shall be managed and controlled by three trustees instead of five.

§ 2. That an act to amend an act, entitled "An act to incorporate the town of Glenville, in Adair county," which was passed by the General Assembly of the Commonwealth of Kentucky on the 21st of April, 1873, be, and the same is hereby, repealed.

§ 3. This act shall take effect from and after its passage.

Approved February 20, 1874.

1874.

CHAPTER 358.

AN ACT for the benefit of J. G. Whitt, of Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1 That from and after the passage of this act James G. Whitt, of the county of Elliott, shall not be deemed ineligible to the office of clerk of the Elliott county court, by reason of his being guardian for infant or infants, or administrator of the estate of deceased persons; nor by his election and acceptance of said office of clerk of the Elliott county court shall he vacate his offices of guardian and administrator: *Provided, however,* That this act shall not apply to the acceptance of the offices of guardian and administrator by said Whitt to which said Whitt shall hereafter be appointed.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved February 20, 1874.

CHAPTER 359.

AN ACT for the benefit of the Maysville Manufacturing Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When association may organize.

§ 1. That section four of the act to incorporate the Maysville Manufacturing Association, which became a law March 27, 1873, be so amended that upon the subscription of five hundred shares of stock said corporators may publish notice of the time and place of holding the first meeting of the association, and proceed to elect a board of control, and proceed in the organization and business of said association, instead of the previous subscription of one thousand shares, as required by said fourth section of said act.

§ 2. This act shall take effect and be in force from its passage.

Approved February 20, 1874.

CHAPTER 360.

AN ACT for the benefit of the Minerva and Beasley Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Minerva and Beasley Creek Turnpike Road Company, in Mason county, be, and they are here-

by, authorized to erect another toll-gate on their said turnpike road, and collect toll thereat for the distance traveled on said road. The gate to be located at any point on said road outside of the corporate limits of the town of Minerva that the company may select.

1874:

§ 2. This act shall take effect and be in force from and after its passage.

Approved February 20, 1874.

CHAPTER 361.

AN ACT for the benefit of the creditors of the Institution for the Education and Training of Feeble-minded Children.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of liquidating the indebtedness of the Institution, formerly known as the Institution for the Education and Training of Feeble-minded Children, contracted prior to the 1st day of May, 1873, for provisions, clothing, and other supplies for the support and maintenance of the inmates of said Institution, being the full amount of unpaid claims to that date, the sum of five thousand eight hundred and sixty-seven dollars and sixty-four cents (\$5,867 64) is hereby appropriated, and the Auditor of Public Accounts is directed to draw his warrant on the Treasurer in favor of the treasurer of said Institution, as now organized, for said amount, payable out of any money in the Treasury not otherwise appropriated.

§ 2. That the further sum of thirteen hundred and seventy-eight dollars and fifty-three cents (\$1,378 53), or so much thereof as may be necessary, is hereby appropriated to said Institution to enable it to settle and liquidate a claim set off by John Haly against it: *Provided, however,* That the Auditor of Public Accounts shall not draw his warrant on the Treasurer for said amount, or any part thereof, until he first investigates the validity and justness of said claim, and is satisfied that the whole or a part of it should be paid, and he then shall draw his warrant only for so much of the same as may be just and equitable, and which shall be in full settlement of said claim.

§ 3. This act shall be in force from its passage.

Approved February 20, 1874.

1874.

CHAPTER 362.

AN ACT to amend the charter of the Hustonville and Bradfordsville Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the original charter of the Hustonville and Bradfordsville Turnpike Company be so amended as to allow the president and directors of said company to complete the unfinished part of their road with metal fifteen feet wide, instead of eighteen, as required by the original charter: *Provided*, To the metal shall be placed in the center of the grade of said road.

§ 2. That hereafter the president and directors of said company shall only be required to keep up the metal on said road fifteen feet in width.

§ 3. This act shall take effect and be in force from its passage.

Approved February 20, 1874.

CHAPTER 363.

AN ACT to supply the General Statutes to the justices of the peace of Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Secretary of State is hereby directed to furnish to the county clerk of Trigg county three copies of the General Statutes of this Commonwealth, to supply the deficiency in the distribution of said books to the justices of the peace of said county.

§ 2. This act to take effect from its passage.

Approved February 20, 1874.

CHAPTER 364.

AN ACT for the benefit of Henderson Conlee, of Powell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed \$250.

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of Henderson Conlee for the sum of two hundred and fifty dollars, payable out of any money in the Treasury not otherwise appropriated, being compensation to said Conlee for arresting and placing in jail, in the State of Virginia, one James Johnson, an escaped convict from the Kentucky Penitentiary and his expenses attending

his services in arresting said Johnson and placing him in jail, &c. 1874.

§ 2. This act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 365.

AN ACT to amend the charter of the Maysville, Paris, and Lexington Turnpike Road.

WHEREAS, There was an enactment by the General Assembly to amend the charter of the Maysville, Washington, Paris, and Lexington Turnpike Road Company, and for other purposes, approved February 24, 1834, fixing and regulating tolls to be paid by persons going to and returning from church, and to and from mill; and whereas, said enactment was repealed by an act approved March 1, 1860, leaving said company (its name having been changed by enactment to the "Maysville and Lexington Turnpike Road Company") without legislative provision on these subjects:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In the precise language of the old provision on these subjects, that hereafter there shall be no exemption from the payment of tolls on the "Maysville and Lexington Turnpike Road" under pretense of going to or returning from any place of public worship, except on the Sabbath day, and to the usual neighborhood churches; and hereafter persons going to and returning from their usual neighborhood mills, with a single horse and bag, shall be exempt from paying toll on said road.

§ 2. This act shall take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 366.

AN ACT to amend an act, entitled "An act to incorporate and reduce into one all acts in regard to the town of Richmond."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That an act approved January 18th, 1869, entitled "An act to incorporate and reduce into one all the acts in regard to the town of Richmond," be amended as follows:

1874.

§ 1. That section four of said act be so amended that the trustees of said town shall hold their office for two years instead of one year, as now provided by said act.

§ 2. This act to take effect from and after the first Saturday in June, 1874.

Approved February 19, 1874.

CHAPTER 367.

AN ACT to amend an act, entitled "An act to incorporate the Richmond Gas-light Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When company
may organize &
elect directors.

§ 1. That when ten thousand dollars in stock shall have been subscribed, the persons named in the first section of the original act to which this is an amendment shall advertise the same, and call a meeting of the stockholders, giving at least ten days' notice; and the stockholders so called may elect seven directors, who shall be citizens of Richmond, and who shall choose a president amongst themselves, to whom, together with the directors, shall be intrusted the real and personal estate, business, property, funds, and financial concerns of said company, and the administration of its affairs. They shall serve until their successors are chosen, and, after the first election, they shall be annually elected on the first Monday in January of each year, of which election notice shall be given for ten days, in at least one newspaper published at Richmond. The president and directors shall fill all vacancies that may arise in their body from death, resignation, or removal from the town, or the failure to meet their engagements to the company with promptness: *Provided, however,* That the town of Richmond shall have the right, upon subscribing ten thousand dollars of stock, to appoint or elect two of the seven directors; and should said town of Richmond subscribe fifteen thousand dollars in stock, then to have the right to appoint or elect three out of the seven directors; and the residue of said directors to be elected by the individual stockholders.

Richmond may
take stock, and
terms.

§ 2. That the town of Richmond shall have the right to subscribe any or the whole number of shares in said company, and to pay for the amount so subscribed; but said subscriptions shall not be made until the question shall have been submitted to the qualified voters of said town, and approved by a majority of the votes cast at said election, due notice of which shall have been given by advertisement for at least twenty days in some newspaper published in said town of Richmond; and if said vote shall be in the affirmative, it shall be the duty of the

1874.

board of trustees of said town to subscribe for the number of shares directed at said election, and to pay for the amount so subscribed; and the board of trustees of said town shall have the power to issue the bonds of the town, to bear any rate of interest, not to exceed ten per centum per annum, and shall make a separate levy of tax for the liquidation of such issue of bonds and interest as may be determined by said board of trustees, in such manner and on such terms as they may direct; and they shall appoint a collector of said tax, who shall be required to execute bond, with sufficient security, in an amount not less than five thousand dollars, conditioned as may be required by said board of trustees; and said collector shall receipt separately for said tax, when collected, which receipt shall be transferable; and when an amount equal to one or more shares of stock in said Gas-light Company shall be presented at any one time by any one individual, firm, or corporation, it shall be the duty of the board of trustees to transfer to said individual, firm, or corporation the number of shares represented by the amount in gross of such receipt or receipts, at its market value (not below par), and for any excess above an even number of shares, to give a certificate therefor to said individual, firm, or corporation for the amount in excess of the share or shares so transferred, which shall stand in lieu of a receipt for said amount, and to be good when presented with other tax receipts given for such purpose; and this privilege shall continue until the whole amount of shares held by said town have been exhausted, and no longer; and if any individual, firm, or corporation shall, at any time before said stock shall have been exhausted, present to said board of trustees one of the bonds of said town, issued for said stock, and demand stock therefor, it shall be received in like manner as said tax receipts; and all bonds so redeemed shall be canceled by said board of trustees.

§ 3. That sections third, fifth, ninth, tenth, and eleventh of an act, entitled "An act to incorporate the Danville Gas-light Company," approved April 23d, 1873, be, and the same are hereby, adopted as amendments to the original act to which this act is an amendment, the same as if herein set forth at length, so far as the provisions of said sections are not in conflict with said act; and wherever the words "City of Danville" occurs, the words "Town of Richmond" shall be substituted; and wherever "Mayor and Council" occurs, "Board of Trustees" shall be substituted.

§ 4. This act shall take effect from its passage.

Approved February 20, 1874.

Sections of Danville charter applicable to this.

1874.

CHAPTER 368.

AN ACT to amend the charter of the Kentucky Land Company.

WHEREAS, Thomas E. Wilson and J. T. Boyle, two of the parties named as incorporators of the Kentucky Land Company, died before any organization of said company was effected; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That William R. Thompson, N. W. Warfield, and Jilson H. Payne, be, and they are hereby, authorized and empowered to act, in conjunction with the commissioners heretofore appointed as incorporators, and to organize said company, and to do all things necessary and proper to carry into effect the provisions of the charter of said company.

§ 2. This act shall take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 369.

AN ACT to amend an act to incorporate the Transylvania Street Railroad Company, approved April 19th, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to incorporate the Transylvania Street Railroad Company," approved April 19th, 1873, be amended as provided in the following sections.

Additional corporators to be chosen.

§ 2. That in addition to the corporators named in the first section of said act, the following other persons are named as corporators, to-wit: Henry T. Duncan, jr., Richard Valentine, and James S. Perkins; and in case of the death, removal, or refusal to act of either of the corporators named in this, or the act to which this is an amendment, the residue, or a majority of them, may fill the vacancies.

Directors five instead of seven.

§ 3. The number of directors for the management of the business of said company shall be five instead of seven, as provided in the original act; and the corporators may meet and organize the company by electing from their number five directors, who shall elect from their number a president; and said president and directors shall continue in office until their successors are chosen by the stockholders, as provided in the original act to which this is an amendment.

Second section of original act repealed, and this substituted.

§ 4. Section two of the act to which this is an amendment is repealed, and instead thereof it is provided that said company may construct and operate a line of street

1874.
railroad, with cars to be drawn either by horses or mules, running through the city of Lexington on Mulberry street, beginning and terminating at the city limits, and another crossing said first named line, running from a point near the Woodlands gate to the cemetery gate, either upon Main street, or partly upon Main and partly on Short street, and upon streets connecting the two, and with power to extend their business by also constructing a line of road on Broadway through the city, or any portion thereof, and lines connecting the same with the line on Mulberry.

§ 5. The city council of the city of Lexington shall have power, and shall have the right to make subscriptions of stock in said company, not exceeding in the aggregate twenty-five thousand dollars, and to issue the bonds of the city, payable at a period not more remote than twenty years, and bearing interest at the rate of eight per cent. per annum, payable semi-annually at a place to be designated therein, which bonds, when delivered to the president of said company, shall be received in payment for a corresponding amount of said stock, of which certificates shall be issued to said city; and in all elections by stockholders of said company the council shall have a right to designate a proxy to vote said stock. And if said council shall not choose, without being instructed, to make such subscriptions, the president and directors of said company may at any time, by writing, request the council to submit to a vote the question of making a subscription of the amount of stock above named, or any part thereof designated, which may not have been already subscribed by them; and thereupon the council may provide for holding an election in said city, at which the question of making said subscription of stock shall be submitted, which shall be held upon a day to be fixed by the council. Said election shall be held in the manner in which other city elections are held; and every person residing in said city, and having the qualifications of a voter at elections of members of the Legislature, shall be entitled to vote; and if a majority of all the legal votes in said city shall be in favor of said subscription of stock, it shall be the duty of the council to make the same without delay, and issue its bonds as hereinbefore provided.

City authorized
to take stock, &c.

§ 6. This act shall take effect from and after its passage.

Approved February 21, 1874.

1874.

CHAPTER 371.

AN ACT to amend the charter of the town of Loretto, in Marion county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Loretto be, and the same is hereby, so amended that the trustees of said town are authorized and empowered to grant coffee-house license, and to fix and regulate the charge of each license granted, in pursuance of this act, within the limits of said town.

§ 2. This act to take effect from its passage.

Approved February 21, 1874.

CHAPTER 372.

AN ACT to allow an additional tax to be levied for building school-houses in district No. 22, Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That whereas, a sufficiency of tax was not laid and collected heretofore for building a school-house in school district No. 22, in Greenup county; therefore, the trustees of said school district shall have the right, and are empowered, to levy a tax in 1874, and collect the same from the property within said district listed for taxation for State revenue, as will be sufficient to pay for and finish said school-house: *Provided*, Said assessment shall not exceed fifty cents on each one hundred dollars' worth of taxable property: *And provided*, Said tax shall be collected and expended as was authorized for the collection and expenditure of such taxes by the law authorizing the laying and collection of such taxes for building school-houses in Greenup county.

§ 2. This act shall take effect from its passage.

Approved February 21, 1874.

CHAPTER 373.

AN ACT for the benefit of William Durrett, of Taylor county.

WHEREAS, By the verdict of a jury of Taylor county, Harriet Durrett, of said county, was in October, 1870, found to be a pauper lunatic; and whereas, by an order of the court which held the inquest, she was directed to be conveyed to the lunatic asylum at Lexington, there to be confined, and was conveyed to said asylum, but not received for want of accommodations; and whereas, since

that time William Durrett has supported and maintained said pauper, who is now, and, since said inquest, has continued to be, a lunatic. 1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of State is hereby directed to issue his warrant upon the Treasury in favor of said William Durrett for the sum of three hundred and thirteen dollars and fifty cents, being for the support of said pauper lunatic from March 28, 1872, to October 15th, 1873.

§ 2. This act to be in force from its passage.

Approved February 21, 1874.

CHAPTER 374.

AN ACT to authorize the Liederkrantz Society to issue additional stock.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Liederkrantz Society, of the city of Louisville, be, and it is hereby, fully authorized and empowered, by vote of a majority of its board of directors or managers, to increase its capital stock in a sum not exceeding fifty thousand dollars (\$50,000) by the issue of additional stock, in shares of twenty-five dollars (\$25) each; and said board shall have full power and authority to do all things necessary therefor.

§ 2. That the private property of the stockholders of said society shall not be liable for corporate debts.

§ 3. This act shall take effect from its passage.

Approved February 21, 1874.

CHAPTER 375.

AN ACT to amend the charter of Pembroke, in Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of the charter of the town of Pembroke, in Christian county, as fixes the boundary of said town, be, and the same is hereby, repealed, and in lieu thereof the boundaries of said town shall hereafter be as follows, viz: beginning at a small sassafras tree, red oak and sassafras pointers, north of R. Y. Pendleton's residence; thence south seventy-one degrees east one hundred and four poles to a stake, two post oaks and one red oak pointers; thence south twenty-one degrees west one hundred and ninety-five and one half poles to a stake; thence north seventy-one degrees west one hundred and

1874. four poles to a stake, red oak pointers; thence north twenty-one degrees east one hundred and ninety-five and one half poles to the beginning.

§ 2. The present jurisdiction of the police judge of said town, in criminal cases, shall extend to offenses committed within one half mile of the boundaries of said town.

§ 3. The trustees of said town shall have authority to impose a reasonable tax or license (not exceeding those allowed by law to be imposed by the board of common council of Hopkinsville, Kentucky), on merchants, grocers, druggists, livery stable-keepers, tobacco-buyers and stemmers, draymen, teamsters, doctors, lawyers, tanners, shoemakers, blacksmiths, carpenters, painters, coopers, and all other kinds of business done in said town, for the purposes for which they are authorized to raise money in their charter; and the trustees of said town shall have full power to regulate, tax, control, or prohibit the liquor traffic in said town; but all ordinances and regulations on the subject shall be uniform and equal.

Approved February 21, 1874.

CHAPTER 376.

AN ACT for the benefit of Robert Barlow, colored pauper idiot, of Hart county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer for forty dollars and seventy-nine cents in favor of Harvey Barlow, committee of Robert Barlow, colored pauper idiot of Hart county, for the support of said idiot from the 6th day of January, 1873, to the 28th day of October, 1873.

§ 2. This act shall be in force and effect from its passage.

Approved February 21, 1874.

CHAPTER 377.

AN ACT for the benefit of the commissioners of the turnpike fund in Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the commissioners of the turnpike fund of Henry county shall receive any fractional part of road completed in accordance with the turnpike law of said county, and draw his voucher for the pro rata of one

thousand dollars per mile: *Provided*, That said fraction shall not be less than one half mile; and shall require the same duties of officers, under the law, as is now required per mile. 1874.

§ 2. And the commissioners. shall hereafter receive five dollars per day in lieu of two dollars now allowed by law.

§ 3. This act shall take effect from its passage.

Approved February 21, 1874.

CHAPTER 378.

AN ACT repealing an act, entitled "An act repealing an act creating the office of town marshal of Independence, and concerning the police laws of said town."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act repealing an act creating the office of town marshal of Independence," approved March 2d, 1867, be, and the same is hereby, repealed, and the act repealed thereby is hereby re-enacted.

§ 2. That the police judge of said town shall have the civil jurisdiction and the same fees that are allowed to justices of the peace of Kenton county, and shall have power to appoint an agent to execute any process issued by him, which, when executed, shall be as binding and effectual as though the same were done by an officer. He shall be subject to the same liabilities and receive the same fees that are allowed to officers for similar services: *Provided*, That no such appointment shall be made unless in the absence or inability of an officer authorized by law to execute the same, and that said authority shall be indorsed on the process.

§ 3. That the jurisdiction of the judge and marshal of the town of Independence shall extend over said town, and one mile beyond and outside of the limits of said town.

§ 4. This act to take effect from its passage.

Approved February 21, 1874.

CHAPTER 379.

AN ACT to amend the charter of the town of Princeton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Princeton, in Caldwell county, be, and the same is hereby, so amended that any person otherwise qualified shall be competent to hold

1874. either the offices of police judge or town marshal of said town, after a bona fide residence within the corporate limits thereof for a period of thirty (30) days prior to his election to such office.

§ 2. This act shall be in force from its passage.

Approved February 21, 1874.

CHAPTER 380.

AN ACT to amend the charter of the town of Concord, in Lewis county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no license shall hereafter be granted by the trustees of the town of Concord to any one to retail either spirituous, vinous, or malt liquors within the corporate limits of the town of Concord, till the person so applying shall have first paid into the town treasury of said town the sum of fifty dollars.

§ 2. That all moneys hereafter collected as license for the sale of liquors under section one of this act shall be used only in employing teachers to teach the common school in said town; and all such moneys so collected shall be held by the treasurer of said town subject to the order of the school trustee for the school district in which the said town of Concord is situated.

§ 3. This act shall take effect from its passage.

Approved February 21, 1874.

CHAPTER 381.

AN ACT to amend an act, entitled "An act to incorporate the Ohio River Valley Railroad Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Ohio River Valley Railroad Company," approved on the 26th day of March, 1872, be, and the same is hereby, amended as follows: that the said company may commence the construction of their road from such point on the branch road now being built from Louisville to Cecilia, in Hardin county, as the two companies may agree upon, and operate their road from the said point of connection so long as they may elect to do so without extending the same to Louisville.

§ 2 That so soon as one hundred shares of bona fide stock subscriptions shall have been made to the capital stock of the said Ohio River Valley Railroad Company

the persons subscribing the same shall have the right to organize, the said company, and to exercise all the rights conferred upon the same by its charter. 1874.

§ 3. That so much of the said charter of the said Ohio River Valley Railroad Company as is in conflict with these amendments be, and the same is hereby, repealed.

§ 4. This act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 352.

AN ACT to amend the charter of the Planters' Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That said Planters' Bank of Kentucky shall be under the control and direction of seven directors instead of five ; and that the present board of directors shall elect two directors to serve until the next regular election, and afterwards the said board shall be elected in the same manner and have the qualifications prescribed by the charter of said bank. Seven directors instead of five.

§ 2. The board of directors shall have power to receive subscriptions for so many of the shares of the stock of said bank, prescribed by the charter of said bank, remaining unsold, as they may at any time choose to sell ; and the calls on said subscriptions shall be paid in such time and manner as may be determined by the board of directors. Said subscriptions, however, shall be paid in installments of not less than five dollars per month on each share of stock so subscribed for ; and should any of the subscribers fail to pay for their subscriptions of stock, the same may be forfeited or resold in the manner prescribed in the original charter of said bank. Directors authorized to receive subscriptions of stock, &c.

§ 3. Said bank may pay interest on deposits of gold, silver, bank notes, and other notes which may be lawful circulation as money, and repay the same in such manner and at such times, and with such interest, not exceeding ten per cent. per annum, as may be agreed upon with the depositors by special or general contract. May pay interest on deposits not exceeding ten per cent.

§ 4. This act to take effect from and after its passage.

Approved February 21, 1874.

1874.

CHAPTER 383.

AN ACT to amend an act, entitled "An act for the benefit of the Union county court," approved December 20th, 1871, and to enable the county court of Union county to provide means for building a jail.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Presiding judge
may issue bonds
to amount \$25,000

§ 1. That the presiding judge of the Union county court, during any regular or called term of said court, be, and he is hereby, authorized, empowered, and required to issue the bonds of Union county to any amount, not exceeding twenty-five thousand dollars, that may be necessary to provide means for erecting, heating, and furnishing a new jail for said county. Said action to be by order of court, only entered upon the proper record-book.

Judge fixes de-
nomination, time
and place of sale.

§ 2. The presiding judge shall determine the denomination of the bonds, the number to be sold, and the times and places of sale. He shall order a sufficiency of said bonds to be sold to meet the stipulated payments to contractors and persons laboring on or furnishing materials for the jail, and all payments promised by the building committee under the authority conferred on them by the levy court and under the provisions of this act.

Bonds mature in
15 years, and rate
of interest.

§ 3. That the said bonds shall mature in fifteen years from the date of their issue, and bear interest at the rate of ten per cent. per annum, payable semi-annually; but said bonds shall be redeemable, in whole or in part, at any time after twelve months from their date: *Provided, however,* That no bond-holder shall be required to receive less than the amount of any one bond, with accrued interest thereon: *And provided further,* That the fact that said bonds are so redeemable shall be stated on the face of the bonds.

Coupons to be
attached to bonds

§ 4. That said bonds shall have interest coupons attached, and the bonds be signed by the presiding judge of the Union county court, attested by the clerk of the county, and under seal; the coupons shall be signed by the clerk alone.

Court of claims
to levy tax to pay
interest & bonds.

§ 5. That the levy court of Union county, a majority of the justices in commission concurring, are hereby authorized and empowered, at any regular or called term of their court, to levy a poll-tax of fifty cents on each taxable tithe, and an ad valorem tax of not more than ten cents on each one hundred dollars' worth of taxable property in said county, in addition to all taxes now authorized by law in said county, to raise funds to pay off the bonds hereby authorized to be issued, or any part thereof, or the interest thereon; said tax to be collected as other taxes are now collectable.

§ 6. That in order to provide for a more speedy redemption of the bonds authorized by this act, the levy court, a majority of the justices in commission concurring, may submit to the voters of Union county, at a general election, the question of levying a further tax of one dollar on each tithe, and an ad valorem tax of not more than twenty cents on each one hundred dollars' worth of taxable property in said county, to raise funds to pay off the jail bonds; and if a majority of the votes cast be in favor of said action, then the levy court shall lay said tax, and cause it to be collected and applied to the redemption of said bonds.

1874.

Vote to be taken on paying bonds.

§ 7. That section eight of an act, entitled "An act for the benefit of the Union county court," approved December 20th, 1871, be, and the same is hereby, so amended that the surplus fund remaining in the hands of the court-house commissioner, after paying the interest on the court-house bonds, may be applied to the payment of the interest on the jail bonds authorized to be issued under this act, or invested in the said jail bonds, as may be directed by the levy court.

Section eight of former act amended.

§ 8. That the levy court of said county may employ a building committee to build said jail, and a treasurer to sell the bonds and administer the funds raised under the provisions of this act.

Building committee organized.

§ 9. That the said levy court is hereby authorized and empowered to buy a lot for the jail, and have a residence built for the jailer, and pay for the same out of the funds hereby provided.

Jailer's residence to be built.

§ 10. Provided that the judge of the Union county court shall, at the March term of said court, submit, by order entered of record, the provisions of this bill to the action of the qualified voters of said county, giving twenty days' notice thereof by publication in any paper published in said county, and any other notice said court may direct. Said election to be conducted as elections for county or State election; and if a majority of the qualified voters at said election accept the provisions of this bill, then the same shall be in full force and effect: *Provided further*, That if a majority of the voters of Union county, at the called election above mentioned, shall vote against this bill, the county judge of said county may submit the same to the qualified voters of said county at the next August election, or any regular election thereafter before the meeting of the next Legislature.

Bill to be submitted to vote of county.

§ 11. That this act shall take effect from its passage.

Approved February 21, 1874.

1874.

CHAPTER 384.

AN ACT to amend an act, entitled "An act to prevent deer-driving in the counties of Estill, Jackson, Perry, Harlan, Grayson, Edmonson, and Butler."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of an act, entitled "An act to prevent deer-hunting in the counties of Estill, Jackson, Perry, Harlan, Butler, Grayson, and Edmonson," approved March 28th, 1872, as applies to the counties of Butler and Edmonson, Jackson and Grayson, be, and the same is hereby, repealed.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved February 21, 1874.

CHAPTER 385.

AN ACT to charter the Owensboro, Glasgow, and Tennessee Railroad, Mining, and Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names—body-politic & corporate

§ 1. That W. N. Sweeney, Clinton Griffith, of Daviess county; W. S. Grant, of Kenton county; and Joseph H. Lewis, Samuel H. Boles, W. H. Botts, and John Lewis, jr., of Barren county, and their associates, successors, and assigns, be, and they are hereby, created and constituted a body-politic and corporate, by the name and style of Owensboro, Glasgow, and Tennessee Railroad and Mining Company; and by that name and style, and for the purposes hereinafter mentioned, shall have perpetual succession; be capable in law to contract and to be contracted with, sue and to be sued; to have and use a common seal, the same to alter at pleasure; and to have and exercise, in addition to those hereby expressly granted, all lawful rights and privileges usual and incident to such corporations and requisite to carry out the objects and purposes of this act.

Corporators to act as directors till successors are elected, & powers defined.

§ 2. That the corporators named in the first section, or such of them as may act, shall be *ex-officio*, and are hereby constituted, the directors of said company, and may serve as such until their successors are duly elected and qualified. They, said corporators, or a majority of them, shall meet at such time and place as they may agree upon and designate; and from their own number, or from such persons as they associate with themselves, choose a president and such other officers and agents as may be necessary. They shall have power to adopt such by-laws for the

government of the company, its officers, agents, and employees in the general conduct and management of the affairs and business of the company, as may be deemed needful and proper, and as may not be repugnant to the Constitution or laws of this Commonwealth. Such by-laws shall have the same force and effect as if enacted herein; but the same may be amended or repealed in accordance with the provisions thereof.

1874.

§ 3. That in case any one of said corporators shall fail to attend the first meeting, at which a majority shall assemble for the purpose of organization, notice of the time and place thereof having been given to him by such majority, or attending, he shall fail or refuse to subscribe the amount of stock prescribed as a qualification for a director, or to comply with any of the by-laws or regulations adopted by a majority of said corporators, his place as a corporator and director shall be deemed and declared vacant, and the same filled by some other person chosen by the other corporators. Said corporators may associate with themselves such number of other persons as they may desire, upon the terms and conditions prescribed by them. When a majority of said corporators shall have assembled as aforesaid, and organized by the election of a president and other necessary officers, that fact and the proceedings had at said meeting shall be certified to the Governor, and he shall cause the certificate to be filed in the office of the Secretary of State.

Places supplied,
& may associate
others.

§ 4. To continue the succession of said company, the first board of directors may provide in the by-laws for an annual election of directors, consisting of not exceeding nine in number, prescribe their qualifications, and fix the time and place and determine the manner of the first and succeeding election of directors. The directors succeeding the first board shall severally hold their offices for one year, and until their successors are elected and qualified. Each board of directors may fill any vacancy occurring, and shall choose from their own number a president. It shall require a majority, including the president, to constitute a quorum of the board of directors. In the election of directors, and at all other meetings of stockholders in said company, each share of stock shall entitle the holder thereof to one vote, which may be cast in person or by proxy. Provision shall be made in the by-laws for annual meetings of the stockholders, and such called meetings as are necessary.

By-laws to provide for election of directors, &c.

§ 5. The president and directors shall have the management and control of the property, business, and affairs of the company; may appoint all such officers, agents, and employees as are necessary; prescribe their qualifications, duties, and compensation, and take from any one of them

President and directors to manage affairs.

1874. bond, with security, for the faithful performance of his duties.

Objects of corporation defined.

§ 6. That the objects and purposes of the incorporation of said company are, and it is hereby, invested with all the rights, franchises, and authority necessary to construct and operate a railway from some point on the Ohio river, at or near Owensboro, through the town of Glasgow, Kentucky, to the Tennessee State line, in the direction of Knoxville, Tennessee, by such route as may be deemed practicable; and also to purchase or bore for and mine petroleum, coal, ores, and minerals, and to prepare or manufacture the same, together with timber, in any way, for market or sale, and to do and transact all the business connected with, or necessary for, such preparation for and transportation to market.

Purchase, hold, and sell property.

§ 7. That said company shall have the right to purchase, acquire, and hold by lease, in fee-simple or otherwise, such real or personal property, timber rights, oil and mining privileges, rights of way, and other easements; and also to erect such workshops, mills, machinery, furnaces, depots, and other structures and houses, as may be deemed necessary and expedient.

Capital stock \$2,000,000, into shares of \$100 each.

§ 8. The capital stock of said company shall be two millions of dollars, divided into shares of one hundred dollars each, and the same may be subscribed for and held by individuals, railroad companies, or other corporations. It shall be lawful for the president and directors of said company to open books for subscription to the capital stock, at such times and places, and continue them open for such length of time, as may be deemed necessary. They may receive subscriptions to the capital stock, payable in contracts to construct any part of said road, or to erect buildings, furnish materials, or render services in carrying on the business of said company; they may also receive subscriptions to the capital stock, payable in whole or in part in real or personal estate, oil rights, coal rights, mineral rights, or otherwise, as they may see proper, which may be taken at their cash value, either agreed upon or determined by arbitration. The capital stock of said company is hereby declared to be personal property, subject to the laws governing personal property, and free from all and every claim of curtesy and dower. The stock shall be transferable and assignable, and the president and directors shall prescribe in the by-laws the manner and the conditions upon which it may be transferred and assigned.

Directors to determine cost of road, &c., and sell stock to pay for same.

§ 9. The president and directors of said company may, at their first or any subsequent meetings, determine the amount that may be necessary for the construction and equipment of said road, and the purchase of property,

leases, and rights, as aforesaid, and the prosecution of other business and improvements hereby authorized, and, from time to time, sell or dispose of the stock of said company, or any part thereof, to such an amount; and whenever it shall exceed the capital stock aforesaid, they may, with the consent of a majority in value of the stockholders, increase the same to a sum not exceeding six millions of dollars.

1874.

§ 10. They may prescribe the terms of subscription to the capital stock, the time and manner of payment, and the grounds of forfeiture of stock subscribed but not paid as required; and may forfeit the stock of the defaulting stockholder or collect the same by legal proceeding.

To prescribe terms of subscription of stock.

§ 11. That said company, its officers, engineers, agents, and employees may enter upon, survey, use, excavate, or fill up any land which may be required for the site of said road or depots, warehouses, machine shops, and other structures and buildings necessary and convenient for the use of said road; and may take and use any earth, timber, stone, gravel, or other material which may be useful and necessary for the construction, use, or repairs of the same; may cross streams and roads, and change the roads when necessary, and may construct tunnels and bridges, provided said bridge or bridges shall not materially and continually obstruct the navigation of navigable streams; and they may fix scales and weights.

May take a use lands, roads, &c., for road.

§ 12. That the president and directors may agree with the owners of any land, earth, stone, timber, and other materials or improvements which may be granted for the construction or repair of said or any of their works, for the purchase in fee-simple, or the use and occupation of the same; and if they cannot agree, or if the owner or owners of any of them be a *feme covert*, under age, or *non compos mentis*, or out of the county where the property may lie, application may be made to the county court of any county through which it is proposed to run said road, and such court shall appoint three commissioners, two of whom shall be residents of said county and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their ability; and it shall be the duty of said commissioners to view the land or materials required, and fix the amount of compensation to which the owners may be entitled, and make out and return to the office of the county court clerk a report in writing, particularly describing the land or material valued, and the interest and duration of interest valued, and the amount of damages assessed. The report of the commissioners shall give the name of the owner, and state whether such owner is a resident of the county or not, and whether a *feme covert* or infant, or non-

May agree and settle with owners for land, &c necessary to build road.

1874.

sane person. The clerk shall receive such report and file the same, indorsing thereon the time of being filed; and if the owner reside in the county, he shall forthwith issue a summons against the owner or owners of such land to appear and show cause why the report shall not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court commencing not less than ten days after the service of summons. If the owner is not a resident of said county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the following term; and upon exceptions being filed by the owner or his or her attorney, or by the company, the court shall forthwith award a writ of *ad quod damnum*, as provided in chapter ninety-four of the General Statutes in respect to "Roads and Passways," and like proceedings shall be had as are provided for in said chapter, to ascertain the damages, except that said railroad company shall pay the amount of damages assessed; and in case the amount of damages found by the jury shall exceed that reported by the commissioners, the whole cost of the proceedings; otherwise said company shall pay only the costs accruing up to the time of the order directing a jury to be summoned. Upon the return of the inquest of damages by the jury, and the payment thereof and the costs as aforesaid, or the tender of the same or deposit in court, said company is authorized and empowered, at the end of thirty days, unless an appeal be prosecuted, to enter upon the land and take possession of the property as though the same had, in the first instance, been conveyed to him voluntarily: *Provided*, That no more land than one hundred feet in width shall be condemned for the use of the track of said road; but if said company shall file in said court the affidavit of an engineer that more than said width of land is required for switches, turnouts, buildings, or other purposes, and accompany said affidavit with a map or diagram and description of the same, then the requisition shall be for such quantity.

Purchase or
lease other roads,
terms, &c.

§ 13. That the president and directors of said company may, with the assent of the holders of a majority in value of the stock in said company, purchase or lease for a term of years, and hold any other said road in this State; and in order to complete and effectuate such purchase or lease, they are hereby authorized to purchase, condemn, or cancel any outstanding bonds or indebtedness of such other company, or bonds issued by any county, city, or town in aid of the construction thereof. That said company may con-

nect its said road with the road or branch of any other road; and may consolidate, and make running and operating arrangements with any other railroad company, upon such terms as may be agreed upon by the contracting parties; and it shall be lawful for the franchises and subscriptions of stock granted and subscribed to any other railroad company to be assigned, transferred, and belong to the company hereby incorporated, in case of a purchase or lease by it of such other road, as fully and effectually as if originally given, granted, and conferred by act of the General Assembly. The right and authority is hereby granted said company to sell or lease to any individual or corporation all the rights, privileges, and franchises granted by this act, and all the properties and rights acquired in pursuance hereof: *Provided*, That no purchase, sale, or consolidation that may be made, shall in anywise invalidate or affect any bonds or other evidences of debts, or any mortgage or lien that may have been executed upon the rights and property of said company to secure the payment thereof.

§ 14. That the president and directors of said company may, with the assent of a majority in value of the stockholders, issue and sell bonds of the company, to be signed by the president and countersigned by the secretary, with the seal of the corporation affixed, to an amount not exceeding twenty-five thousand dollars per linear mile of road or branches, having not exceeding ten per cent. interest, with coupons attached, signed by the secretary of the company, and made payable as said president and directors may direct. To secure the prompt payment of the interest and principal of the bonds issued as aforesaid, said company may execute a mortgage or deed of trust, conveying said railroad, and its property and its franchises, to a trustee or trustees, and to secure the holders of such bonds with such covenants and stipulations as may be necessary to effect the purpose and object of its execution.

May issue and
sell bonds, and
mortgage road,
&c.

§ 15. That if the mortgage or deed of trust shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosures the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit, which shall be filed in the court where such proceedings are authorized to be had. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in Kentucky. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or lease

Stipulations in
regard to fore-
closure of mort-
gage.

1874.

1874. ing to satisfy the demands of said holders, shall be vested with all the rights, privileges, and franchises of the corporation.

Sinking fund created.

§ 16. That it shall be the duty of the president and directors of said company to create a sinking fund for the final redemption of the mortgage bonds issued under the authority of this act, by setting apart a certain amount of the annual or semi-annual dividends and net receipts of said company ; but the same may be used in returning said bonds before maturity, if deemed advisable.

Holders of bonds made stockholders, and conditions.

§ 17. The holders of said bonds may demand, and upon such demand shall be entitled to receive, evidences or certificates of stock of said company in lieu of bonds held by them, dollar for dollar, and made stockholders to such extent as bonds held by them are canceled and given up, unless it is otherwise stipulated at the time said bonds are issued. The bonds of said company, issued under the authority and in pursuance of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or part, by reason of the rate of interest agreed to be paid, or by reason of having been sold for less than their par value.

May have telegraph.

§ 18. Said company may construct or purchase and own telegraph lines near the line of their road, or may become owners of stock in any company which may construct the same.

May acquire rights in Tennessee.

§ 19. The right and privilege is hereby granted to said company to receive, have, and possess any corporate rights, franchises, and privileges in the State of Tennessee conferred upon it by the Legislature of that State, and which it may acquire therein, that are not repugnant to this or any other laws of this Commonwealth.

May charge and collect tolls, &c.

§ 20. Said company shall have the right to charge and collect tolls and compensation for the transportation and passage of persons and property over their said road and branches, at the same rate the Louisville and Nashville Railroad Company are permitted by cars to charge and collect.

May cross other roads.

§ 21. Authority is hereby given said company to cross any other railroad or grade, or by tunneling or bridging: *Provided*, The passage of trains or such other roads be not obstructed; and when it shall be necessary to pass through the land of a person, said company shall provide for such person a proper carriage-way across said railroad.

President and directors to locate office of company

§ 22. The office of the company shall be kept at such place in this State as the president and directors may designate; and they shall annually, or oftener if required by the by-laws, make report to the stockholders of the business and earnings of the road and other property, and make and declare such dividends as may be

proper and just out of the profits of the company, after deducting necessary current and contingent expenses, and divide the same among the stockholders according to the shares respectively held. 1874.

§ 23. The General Assembly hereby reserves the right by general laws to regulate the charges for freight and passengers over said road and branches. Right to repeal charter reserved.

§ 24. This act shall take effect from its passage.

Approved February 21, 1874.

CHAPTER 387.

AN ACT to amend an act, entitled "An act to incorporate Princeton College," approved February 20th, 1860, and to confer certain powers on the board of trustees of the town of Princeton.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the board of trustees of the town of Princeton be, and they are hereby, authorized and empowered to acquire by purchase, gift, donation, or otherwise, stock in Princeton College, located in the town of Princeton, in this State; which stock, when so acquired, shall be owned, held, and controlled by said board of trustees, for the use and benefit of said town forever, under the provisions of the charter of said college. The transfers of said stock to said board of trustees shall be recorded in office of clerk of Caldwell county court, as well as noted of record in books of board of trustees of said college. May purchase stock in Princeton College.

§ 2. That for the purpose of enabling the board of trustees of said town to make the purchase of said stock, they shall have the power to issue and sell the bonds or obligations of said town in such sum and upon such terms as they may deem best, same to bear interest at a rate not greater than ten per centum per annum, and may be with or without coupons attached; and for the purpose of raising a fund to pay off any debt created by such purchase of stock or sale of bonds, the board of trustees of said town are authorized to levy and collect an ad valorem tax of not exceeding, in any one year, seventy-five cents upon each one hundred dollars in value of all the property in said town subject to taxation for municipal purposes, and owned by white persons, and a poll-tax of not exceeding three dollars on each white male citizen over twenty-one years of age, resident in said town; all of said taxes to be collected as other tax is required by law to be collected in said town: *Provided*, That before any order, resolution, or ordinances of said board of trustees, levying or provid-

Sell bonds of Princeton for the purpose.

1874. ing for the levy of any tax upon the property or persons of said town, or providing for the issual of the bonds of other obligations of said town, or for purpose of creating any debt under provisions of this section, shall be valid, the same shall be by said board of trustees submitted to the qualified white voters of said town at an election to be held at the court-house, at a time to be fixed by said board, of which at least ten days' notice shall be given by written or printed notices, posted at five or more public places in said town; and such order, resolution, or ordinances shall be published at least one week before such election in some newspaper published in said town, if any. The poll-books of such election shall be compared and preserved as the poll-books of other elections held under charter of said town are required by law to be compared and preserved; and if a majority of the votes cast at such election shall be in favor of such order, resolution, or ordinances, then same shall be valid and binding, but otherwise to be null and void.

Levy and collect
tax for purpose.

§ 3. That for the purpose of supporting and maintaining said college or any school or schools that may be established or taught therein, the board of trustees of said town shall have the power to levy and collect an ad valorem tax of not exceeding in any one year fifty cents on each one hundred dollars in value of property in said town, subject to taxation for municipal purposes, and belonging to white persons; and a tax of not exceeding three dollars on each white male citizen over twenty-one years of age; but such tax shall not be collected until the order, resolution, or ordinances levying same shall be submitted to the white voters of said town, qualified to vote under the common school laws, in the same manner as provided in the next preceding section of this act.

Marshal to col-
lect taxes.

§ 4. All taxes levied under this act shall, unless otherwise provided by order of the board of trustees of said town, be collected by the town marshal of said town; and before proceeding to collect same, he shall, with good and sufficient surety, execute bond for the faithful collecting and paying over of same, as may be ordered by said board of trustees; such bond to be taken, approved, and preserved as provided by law in case of official bond of said marshal: *Provided*, Said board of trustees may appoint a special collector of said tax, who shall execute bond in same manner as would be required of the town marshal should he collect same. The officer collecting such tax shall be compensated as provided by law for compensation to town marshal of said town for collection of town tax.

§ 5. After the board of trustees of said town shall have acquired the ownership or control of all the stock in said Princeton College, the board of trustees of same shall be elected by the qualified white voters of said town; and at such election widows having children between the ages of six and twenty years shall have the right to vote, and may cast such vote by written proxy. After the board of trustees of said town shall have acquired the ownership or control of all the stock in said college, they shall, after twenty days' notice, cause an election to be held at the court-house in said town for the election of seven trustees of said college, which election shall be held and the poll-books compared in all respects as required by law in case of elections held under charter of said town. And the seven persons receiving the highest number of votes shall be declared elected. Said board of trustees so elected shall hold their office for the term of two years from and after the time of such election, and until their successors shall be elected and qualified. And every two years after such election a similar election shall be held for the election of trustees of said college; but until the board of trustees of said town shall have acquired, as aforesaid, all the stock in said Princeton College, the election for trustees shall be had by the stockholders, as now provided; and at such election the board of trustees of said town may vote such stock as they may have acquired or control.

1874.

Trustees, how
elected, and by
whom.

§ 6. That from and after the first election of trustees after this act takes effect, the board of trustees of said Princeton College shall consist of seven members only; and at such first election, after passage of this act, seven trustees shall be elected, who shall organize and elect officers of their board as provided in fourth section of the act to which this is an amendment: *Provided always*, That hereafter not more than two members of the board of trustees of said college shall be members of any one religious denomination or sect.

Board to consist
of seven members

§ 7. That the board of trustees of the town of Princeton shall cause to be paid to the treasurer of the board of trustees of Princeton College all taxes levied and collected for the benefit of said college; and the treasurer shall hold and pay out same under order and direction of the board of trustees; and he and his sureties shall be responsible for same on his bond.

Board has charge
of finances.

§ 8. The board of trustees of said college shall have control of the prudential and financial affairs of same; and shall have the exclusive power of appointing teachers, fixing salaries, regulation of school discipline, course of study, examinations, and other matters of regulation and appointment.

1874.

Stock personal
estate.Parts former act
repealed.

§ 9. The stock in said Princeton College is hereby declared to be personal estate, and shall pass as such.

§ 10. This act shall be in force from its passage; and so much of aforesaid act to incorporate Princeton College, approved February 20th, 1860, and amendments thereto, as is inconsistent with this act, is hereby repealed.

Approved February 21, 1874.

CHAPTER 389.

AN ACT to amend an act, entitled "An act to authorize the Jamestown justices' district, in Campbell county, to issue bonds."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to authorize a portion of the Jamestown magisterial district to issue bonds for the purchase of the Newport and Dayton Turnpike Road, and to bridge Taylor's creek," approved March —, 1873, be so amended that the boundary of said district shall be as follows, to-wit: beginning at the mouth of Taylor's creek; thence south with said creek as it meanders to Covert Run Turnpike Road; thence eastwardly with said road to a point where the east line of the Bellevue or house tract of General James Taylor, deceased, intersects the same; thence in a straight line to the southeastern corner of the corporation of Dayton, formerly called Jamestown; thence northwardly with said eastern line of Dayton to the Ohio river; thence westwardly with said Ohio river, as it meanders, to the place of beginning: *Provided further*, That only the real estate shall be subject within said boundary to taxation, and no other species of property.

§ 2. That the original act, with the amendment, shall be submitted to the qualified voters of said district at the August election, 1874, upon the same conditions as specified in the original act.

§ 3. This act shall take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 390.

1874.

AN ACT to authorize M. Duke to erect a mill-dam across Big Barren river, at or near Hatter's ford, in Allen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. Duke be, and he is hereby, authorized to erect a dam across Big Barren river, in Allen county, at or near Hatter's ford, out of rock or wood, for mill purposes. Said dam shall not exceed two feet in height above low water mark, and in nowise shall obstruct the crossing of said river at Hatter's ford, or the rafting or floating of logs or lumber down said stream.

§ 2. This act to take effect and be in force from and after its passage.

Approved February 20, 1874.

CHAPTER 391.

AN ACT for the benefit of James T. Sullinger, sheriff of Carroll county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James T. Sullinger, sheriff of Carroll county, having paid into the Treasury one hundred and twenty-three dollars and eighty-eight cents (\$123 88), being the five per cent. imposed on him under the act of March 22, 1871, to change the time for paying the revenue into the Treasury, on account of the revenue of 1872, the Auditor of Public Accounts is directed to credit said sheriff with said amount in the settlement of his revenue account for 1873.

§ 2. Provided that the said sheriff shall first satisfy the Auditor, by the sworn statement of himself and his deputies, that said five per cent. has not been collected from the tax-payers, and that the relief hereby granted shall only apply to all or any part of said five per cent. that has not been collected from the tax-payers.

§ 3. That this act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 392.

AN ACT for the benefit of Joseph Wilcher, jailer of Gallatin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized to draw his warrant on Treasury in

1874. favor of Joseph Wilcher, jailer of Gallatin county, for the sum of nine dollars, for receiving, boarding, and releasing D. D. Woods, confined by order of the Gallatin circuit court.

§ 2. This act to take effect from its passage.

Approved February 20, 1874.

CHAPTER 393.

AN ACT to amend and continue in force an act, entitled "An act to incorporate the Camdensville, Johnsonsville, and Burnt Church Turnpike Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Camdensville, Johnsonsville, and Burnt Church Turnpike Company," approved 24th February, 1870, be, and the same is hereby, to be in full force and effect for five years after the passage of this act.

§ 2. That the county court or county judge of Anderson county be, and is hereby, authorized to subscribe stock in said turnpike company, to any amount not exceeding two thousand dollars per mile, instead of one thousand dollars per mile, as now authorized by said act. The question shall first be submitted to the qualified voters of said county, at a regular May or August election, and be ratified by a majority of all voting before it shall be binding and valid.

§ 3. This act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 394.

AN ACT for the benefit of Geo. W. Bradhume, tax assessor for Allen county

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George W. Bradhume, tax assessor for Allen county, be, and he is hereby, authorized to appoint his son, Buford Bradhume, deputy assessor for Allen county, notwithstanding the said Buford Bradhume is under twenty-four years of age.

§ 2. Said Buford Bradhume, when appointed and sworn, shall have all the rights and incur all the penalties now

provided by law applicable to assessors of tax and their deputies in this Commonwealth. 1874.

§ 3. This act shall be in force from and after its passage.

Approved February 20, 1874.

CHAPTER 395.

AN ACT to amend an act, entitled "An act to incorporate the Warsaw Turnpike Company."

WHEREAS, The Warsaw Turnpike Road was, by the direction of the president and directors of said company, located sixty feet in width, with a grade of twenty-six feet wide, and metal thereon sixteen feet wide, as far as Vera Cruz, in Gallatin county; and from Vera Cruz bridge to Eagle creek, in said county, the grade was directed to be twenty-two feet wide and macadamized nine feet in width; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said turnpike road be, and the same is hereby, located and established sixty feet in width, with the same width of grade and metal as hereto directed and established by the president and directors as set out in the aforesaid preamble; and the said turnpike company, or their lessees, shall have full power and authority to use any timber, stone, or dirt, or any material fit for their use, in repairing, and keeping said road in repair, which may be embraced within the sixty feet as thus located, so long as said road may be continued by said company or their lessees.

§ 2. That it shall be lawful for said turnpike company and their lessees to demand and receive for travel on said road the following rate of toll, to-wit: For every man and horse traveling four miles, five cents; for every horse and buggy traveling four miles, ten cents; for every buggy and two horses traveling four miles, fifteen cents; for every carriage and two horses traveling four miles, twenty-five cents; for every wagon or cart and two horses or two oxen traveling four miles, ten cents; for every wagon or cart and four horses or four oxen traveling four miles, fifteen cents; for every wagon or cart and six horses or six oxen traveling four miles, twenty cents; for every horse, mule, jack, or head of cattle traveling four miles, three cents; for every hog or sheep traveling four miles, one half cent; for every horse-cart traveling four miles, seven cents; and for any distances of travel on said road, be the same greater or less, through or between the toll-gate, the same rates are to be charged as aforesaid in proportion to the distance

1874. traveled; and for persons traveling to or from the Johnson or Napoleon dirt road over said turnpike to or from the town of Warsaw, the said company or their lessees may have, demand, and collect the following rates of toll, to-wit: For going and returning for man and horse, one cent; for going and returning for buggy and horse, two cents; for going and returning for buggy and two horses, three cents; for going and returning for carriage and two horses, five cents; for going and returning for wagon or cart and two horses or two oxen, two and one half cents; for going and returning for wagon or cart and four horses or four oxen, three cents; for going and returning for wagon or cart and six horses or six oxen, four cents; for going and returning for each hog or sheep, one eighth of a cent; for going and returning for horse, mule, jack, or head of cattle, one fourth of a cent; for going and returning for each horse-cart and horse, two cents.

§ 3. That on and after the passage of this act the president and directors of said road shall be elected for the term of three years, and until their successors in office are elected and qualified. Each stockholder in said company shall be entitled to one vote for said officers for each share of stock they may own.

§ 4. If any person or persons shall defraud or attempt to defraud the company, or lessees thereof, by going around its toll-gate or traveling between the same, or through the farms adjoining or contiguous to said road, or in any other manner attempt to evade the payment of toll or lessen the amount of tolls fairly payable by them, according to the rate aforesaid, for each and every such offense they shall be fined in a sum not exceeding ten dollars, to be recovered on a warrant before a justice of the peace, to be issued in the name of the Commonwealth, and for the use and benefit of the Commonwealth, or it may be recovered on a warrant issued in the name of said company for the use and benefit of the same; and a capias may issue to recover said fine in the name of the Commonwealth.

§ 5. *Be it further enacted*, That chapter one hundred and ten, General Statutes, entitled "Turnpike, Gravel, and Plank Roads," and the laws and provisions thereof, shall be, and the same are, made applicable to the turnpike road of said company, so far as the same does not conflict with the original and amended charter of said company, but no further.

§ 6. This act shall take effect from and after the passage thereof.

Approved February 20, 1874.

CHAPTER 396.

1874.

AN ACT to establish and provide for a colored free school in the city of Owensboro, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the mayor and council of the city of Owensboro, in addition to the taxes authorized by the charter of said city, be, and they are, authorized to levy a tax of two dollars and fifty cents on every male person of African descent over the age of twenty-one years resident in the said city of Owensboro; and also to levy upon the property owned by all persons of African descent resident in said city a tax of seventy cents (70 cents) upon each one hundred dollars' worth of property situated therein liable for taxation for State and revenue purposes, the proceeds of which shall constitute a fund for the education of the colored children resident in said city.

Mayor & council may levy tax on colored people.

§ 2. The said taxes shall be collected in the same manner that the taxes are collected for the support of the public school for white children in the city of Owensboro, and by the same officers; and when collected, shall be paid to the treasurer of said city, who shall be responsible therefor on his official bond, and shall pay them out upon the order of the board of trustees hereinafter provided for.

Mode & manner of collecting tax.

§ 3. The mayor and council shall appoint seven persons, residents of the city of Owensboro, at their first stated meeting in May, who shall be the trustees of the school herein provided for; and it shall be their duty to apply the fund raised under this act, as they may deem best, to the erection or renting of school-rooms, and the establishment and support of schools for the benefit of colored children between the ages of six and twenty years, resident in the said city; they shall take an oath faithfully to perform their duties as such trustees, and shall hold their offices for one year, and until their successors shall have been qualified; they shall keep a record of their proceedings in a book or books provided for the purpose, and transmit a semi-annual report to the council of the condition, resources, number of scholars attending said school, and their receipts and disbursements.

Trustees, how appointed, and term of office.

§ 4. The said board of trustees shall have power to make all by-laws and rules for the government of themselves and appointees, and for the dispatch of business, and for the management, control, and government of the schools.

Power and duties of trustees.

§ 5. The board of trustees shall appoint all teachers and other persons necessary to successfully carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries; and may dismiss or

Teachers appointed — compensation — studies arranged.

1874. suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the schools; grade the schools and classes, and prescribe the necessary qualifications for, and the mode of examinations of, pupils or persons applying for admission to the schools; they shall provide class-books for the children whose parents are unable to purchase them.

Funds to be kept separate from other funds of city.

§ 6. That the fund provided for by this act shall be paid in money, and shall be kept separate and apart from the other moneys for the city; and when any person owing taxes herein provided for shall have no property subject to levy for the same, the officer collecting said tax may serve a notice upon any debtor of said person, which shall operate as an attachment, and shall be authorized to receive from such debtor the amount of such tax, and the payment to him shall be a discharge to that extent of the debt.

Vote to be taken first, and manner.

§ 7. Provided, that no tax shall be assessed under this act until the question of taxation shall have been submitted to the colored voters of the city of Owensboro, and a majority of said voters polled at said election shall vote in favor of said tax. Said question shall be submitted by the city council of Owensboro, upon the application of five colored voters in said city, under such rules and provisions as they may prescribe in the order of submission. Notice of said election shall be given in the papers published in Owensboro for two weeks prior to said election.

§ 8. This act to take effect and be in force from and after its passage.

Approved February 20, 1874.

CHAPTER 397.

AN ACT to create the office of street commissioner in Newport, Campbell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the office of street commissioner be, and is hereby, created in the city of Newport, in Campbell county, subject to the hereafter described conditions. The duties of said commissioner shall be to superintend the cleaning and keeping in order of the streets, alleys, and public grounds of said city, under the directions of the board of common council; and he shall receive such compensation as said board shall, from time to time, provide.

§ 2. This act shall not be binding, and of any effect, unless it shall be approved of by a majority of the legal voters of said city voting at an election, which it is hereby

made the duty of said board of council to order and provide for being held in said city, on the first Monday in March, 1874, where the said voters shall vote aye or no on said proposed office.

1874.

§ 3. On the first Monday in March, 1874, the legal voters of said city shall vote for some suitable person to fill the office of street commissioner, and the person receiving the highest number of votes shall be entitled to the office; provided a majority of the legal voters of said city have voted in favor of said office; and he shall hold said office until the next general election provided for in said city for city officers.

§ 4. This act shall take effect from its passage.

Approved February 21, 1874.

CHAPTER 398.

AN ACT to insure and facilitate the payment of wages to laborers for the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of the auditor of the city of Louisville, after a claim or demand against said city has been acted on and allowed by the general council thereof, to issue his warrant for the amount thereof, which shall be signed by the mayor of said city, and countersigned by said auditor; said warrant shall, in all cases, be receivable in payment of city taxes.

Warrants on city treasury to be receivable for taxes in said city.

§ 2. This act to take effect from and after its passage; and all laws in conflict herewith are hereby repealed.

Approved February 20, 1874.

CHAPTER 399.

AN ACT for the benefit of the administrator of F. M. Weeden, late sheriff of Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time of two years is given the administrator of Frederick M. Weeden, deceased, late sheriff of Mason county, in which to collect his uncollected taxes and fee bills; and that he have the right to distrain for the same, subject to all the penalties imposed by law for illegal distraints or the collection of illegal fee bills.

Two years allowed administrator to collect fee bills, &c.

§ 2. This act to take effect and be in force from its passage.

Approved February 20, 1874.

1874.

CHAPTER 400.

AN ACT to amend an act, entitled "An act to amend the charter of the Bloomfield and Springfield Turnpike Road Company," approved February the 22d, 1860.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed ten
years to com-
plete road.

§ 1. That the Bloomfield and Springfield Turnpike Road Company shall have, in addition to the time now allowed them, with all the rights and privileges they now enjoy, the further time of ten years to finish and complete their road from Bloomfield, in Nelson county, to Springfield, in Washington county.

§ 2. This act to take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 401.

AN ACT to extend the limits of the town of Greenville, Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the present limits of the town of Greenville, Muhlenburg county, Kentucky, be, and the same are hereby, extended so as to include within the limits of said town the property of Wm. B. James, on the Russellville road, the ground known as the first addition of Weir to the town of Greenville, and also the property of T. T. Walten; running thence so as to include the residence of E. O. Pace, and from his residence in a direct line east to a stake in the Russellville road.

§ 2. That this act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 402.

AN ACT to amend an act, entitled "An act to incorporate the Ashbottom Turnpike Road Company," approved March 22, 1871.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Company to con-
struct road, and
former location
legalized.

§ 1. That power and authority be, and the same is hereby, given and granted the Ashbottom Turnpike or Gravel Road Company to construct a turnpike or gravel road from such point as said company may elect, connecting at the city boundary with some street or road in the city of Louisville, between Second street extended and Hancock street extended; and any location of said turnpike or gravel road

between said points heretofore or hereafter made shall be deemed and held lawful. 1874.

§ 2. This act shall take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 403.

AN ACT to amend the charter of the city of Lexington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. The recorder for his services shall receive such salary as the council by ordinance may fix : *Provided*, It shall not exceed twelve hundred dollars per annum. Salary of recorder.

§ 2. That in the absence of the recorder of the city of Lexington at any session of the recorder's court, or, if in any case it may not be proper for him to sit, the mayor of the city may act in his stead ; and in the absence of both the recorder and mayor, or, if in any case it may not be proper for either of them to sit, the members of the bar present may elect one of their own number to act as recorder *pro tem.* ; and the mayor or such person so elected, as the case may be, shall have the same judicial authority and exercise the same judicial powers, for the time being, as is possessed and exercised by the recorder under the charter. In absence of recorder mayor may act, or bar may elect recorder *pro tem.*

§ 3. This act shall go into effect from its passage.

Approved February 20, 1874.

CHAPTER 404.

AN ACT to provide for the establishment of the measurement of brick-work, &c.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the measurement of brick-work in city of Louisville and county of Jefferson shall hereafter be rated and estimated to contain twenty-one brick to the cubic foot in all walls, from which a deduction of seven per cent. shall be made to determine the number delivered from the kiln ; but in no event shall a deduction be made for the mechanic, except all doors, windows, and all openings that contain six superficial feet, and none other. Cubic foot to contain 21 brick.

§ 2. All pavement shall be rated to contain forty-one brick to the yard, without any deduction : *And further provided*, That all projection, not exceeding four inches or less, shall be rated at a four-inch wall ; and all pro- Pavements to contain 41 brick to yard.

1874.	jections nine inches or less, in excess of four inches, shall be rated at a nine-inch or one-brick wall. All dentals shall be rated at fifty cents for each lineal foot; as an extra from measurement for all hoods, two dollars each allowed. Pannel chimneys to be measured solid, and an extra charge of fifty cents for each pannel; all octagon chimneys, besides measured, five dollars extra; all chimney stacks shall be measured solid, provided the flue is thirty inches or less; in excess of that, one half the flue shall be deducted; all octagon corner shall be charged at the rate of twenty-five cents for each lineal foot. All pilasters, one and one half brick on the face, beside measured, be entitled to twenty cents per lineal foot. All pilasters, in excess of the above, to be charged ten cents per lineal foot; the mechanic shall be allowed ten cents per lineal foot for inserting slate in a wall. All recesses shall be estimated at ten cents per lineal foot where the recess does not exceed three feet or less. All projections, where the wall comes out to meet the face of pilaster, the mechanic shall be allowed twenty-five cents per lineal foot; in recess only, no additional charge shall be made for chimney breasts or flue breasts. All single roe-locks shall be charged fifteen cents per lineal foot; ten cents per lineal for the second; and five cents per foot for the third, besides the measurement. All fire walls shall be charged at the rate of twenty cents per each lineal foot, beside measurement.
Rates for projections.	
Rates for dentals.	
(Measurements of chimneys.	
Rates for octagon corners & pilasters	
Rates for recesses	
Rates for projections to meet pilasters.	
Rates for roe-locks.	
Rates for fire walls.	
Rates for bay windows.	§ 3. All circular bay windows shall be charged at the rate of fifteen cents for each superficial foot of brick-work only. § 4. This act shall be in force and effect from and after its passage; and all acts or parts of acts in conflict herewith are hereby repealed.

Approved February 20, 1874.

CHAPTER 405.

AN ACT to incorporate the Warren Presbyterian Church, of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.	§ 1. That D. B. Sperry, D. B. Kline, W. Jenkins, Wm. J. Fulton, and John T. Gathright, trustees, be, and they are hereby, constituted a body-politic and corporate, to be known by the name of Warren Presbyterian Church of Louisville; and by that name shall have perpetual succession, and a common seal. That said trustees and their successors shall have power, on the death or resignation, or removal of any member of their body, to fill the vacancy
Name and style.	
Corporate powers.	

or vacancies, a majority of those remaining in office concurring; and should all of said trustees or their successors, at any one time, either by death, resignation, removal, or otherwise, vacate their office, the members of said church shall have power, under such rules and regulations as they may prescribe, to fill any such vacancies; and the members of said church may, at the end of every year, from and after the third Wednesday of December, 1874, elect a new body of five trustees, who shall take the place and be clothed with the powers of the old board.

1874.

§ 2. The said trustees for the time being, any three of them being hereby constituted a quorum to do business, may make contracts in the name of said corporation, and, with the concurrence of the church session, fix the salary of ministers or pastors of said church and such officers of said church as they may find necessary to appoint. The members of said church shall have power, nevertheless, at any time, to alter or approve the salaries allowed to any pastor or pastors of said church. The said trustees or their successors shall have full power to bind said corporation by any note, bond, or obligation they may give for and on account of any contract they may bona fide make for said church: *Provided*, The same be agreed to by the board of trustees, and signed by the president and secretary, in the name of said corporation, and the corporate seal affixed.

Quorum.

Trustees may contract and be contracted with, &c.

May issue bonds.

§ 3. That said trustees or their successors may purchase a suitable lot or parcel of ground, not exceeding ten acres, for the erection of a house of worship, &c., and shall hold the title for the use and benefit of said church, and shall manage the church property for the use and benefit of the society.

May purchase lot and erect house of worship.

§ 4. That whenever there shall be a new trustee or trustees appointed under the provisions of this act, such appointment shall be certified to the clerk of the Jefferson county court and recorded by him in his office.

Appointment of trustees to be certified to county clerk, & recorded.

§ 5. Said trustees may make by-laws for the management of said church property and their own government, not inconsistent with this act and the laws of the land.

Trustees may make by-laws.

§ 6. The said trustees and their successors, by the name and the style of the Trustees of Warren Presbyterian Church of Louisville, may sue and be sued, implead and be impleaded, in any court of law or equity in this Commonwealth.

May sue and be sued.

§ 7. The said trustees or their successors shall, at least once in every year, or oftener if required, report to the congregation of said church the financial condition of said corporation.

Trustees to report to congregation.

1874.

CHAPTER 406.

AN ACT to provide for the construction and completion of turnpike roads in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Act in regard to
turnpikes in Har-
rison county
applied to Pen-
dleton.

§ 1. That the provisions of an act, entitled "An act to provide for the construction and completion of turnpike roads in Harrison county," approved March 25th, 1872, except so far as they are repealed by an act passed at the present session of the Legislature, amendatory of the first named act, be, and they are hereby, extended to the county of Pendleton.

May levy tax of
three per cent.
instead of two.

§ 2. That the provisions of an act, entitled "An act to amend an act, entitled 'An act to provide for the construction and completion of turnpike roads in Harrison county,'" passed at the present session of the General Assembly, be, and the same are hereby, extended to the county of Pendleton, except that so much of section nine of said act as limits the tax to two per cent. on each one hundred dollars' worth of property, and so much of said section as limits the time in which said tax shall be levied to five years, shall not be taken or considered as a part of this act; but said section shall be in full force, with power to levy a tax not exceeding three per cent. per annum on each one hundred dollars' worth of property, and that said tax may be levied annually until the road is paid for.

§ 3. That for the purposes of this act, wherever the words "Harrison county" are used in either of the acts named in the first section of this act, the words "Pendleton county" shall be used, and wherever the word "Cynthiana" is used in said acts, the word "Falmouth" shall be used.

§ 4. This act shall take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 407.

AN ACT to amend an act, entitled "An act to incorporate the Paducah and North Ballard Turnpike Road Company," approved March 1st, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Treasurer to be
elected by direct-
ors, and to give
bond.

§ 1. That section (6) six of an act, entitled "An act to incorporate the Paducah and North Ballard Turnpike Road Company," approved March 1st, 1872, be so amended as to require the treasurer of said company to be chosen annually by the board of directors of said company instead of by the stockholders, and that the treasurer so elected shall

execute bond as required by the act to which this is an amendment. 1874.

§ 2. This act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 408.

AN ACT for the benefit of the commissioners of the sinking fund of Hardin county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be lawful for the commissioners of the sinking fund for Hardin county to use any money in the payment of the interest due in the year 1874, on the bonds of said county, what they may now have on hand, or may hereafter acquire from the sale, bonds issued by said county under the authority of an act, entitled "An act for the benefit of the counties of Hardin, Hart, Warren, and Logan in relation to their bonded debt," approved February the 26th, 1870.

§ 2. This act to take effect from its passage.

Approved February 20, 1874.

CHAPTER 409.

AN ACT to amend an act to incorporate the Mercer County Mechanical and Agricultural Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That so much of said act of February 3, 1869, as extends the jurisdiction of the police court of the town of Harrodsburg, Mercer county, Kentucky, over the grounds of said association, be, and the same is hereby, repealed. Jurisdiction of police court of Harrodsburg abolished.

§ 2. That the board of directors of said association shall have the power to appoint any number of persons to act as special police over and upon the grounds of said association during any fair or exhibition on said grounds. Said special police shall have the right and authority to arrest any drunkard or disorderly person or persons, to arrest any person who shall be guilty of any violation of any statute law of the State, and to preserve and keep the peace. All persons arrested by said special police shall be taken before the presiding judge of the Mercer quarterly court, or some justice of the peace for said county, to be tried for such offenses, as provided Directors to appoint police, & their powers.

Offenders to be taken before county judge.

1874. by law: *Provided*, Said special police, before they act as such, shall take an oath to faithfully and impartially discharge their duties.

§ 3. This act to take effect from its passage.

Approved February 20, 1874.

CHAPTER 410.

AN ACT for the benefit of James M. Bolton, jailer of Knox county.

WHEREAS, It appears to the satisfaction of this General Assembly that James J. Hart, of Knox county, has been found, by the verdict of a jury and judgment of a court, on two occasions, to be a lunatic, and on the last inquest was found to be a pauper lunatic; and whereas, it appears that said James J. Hart was in fact a pauper lunatic from the finding of the first inquest; and whereas, it appears that said lunatic could not be received into any of the asylums of the State at that time for want of room; and whereas, from his condition it became necessary to confine him and put him under a committee, or in the custody of the jailer of said county; and whereas, it appears, by the order of the Knox county court, that he was placed in the custody of James M. Bolton, jailer of Knox county, and that said Bolton had to keep him for one year; and whereas, this General Assembly has heretofore, by an act approved on the 28th day of March, 1872, made provision for the support and care of this class of unfortunate people; and whereas, in consequence of an oversight in the court holding the first inquest, the question as to whether he was a pauper or not was overlooked; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed \$200.

§ 1. That the Auditor draw his warrant upon the Treasury of the State for the sum of two hundred dollars in favor of James M. Bolton, jailer of Knox county.

§ 2. This act shall take effect from and after its passage.

Approved February 20, 1874.

CHAPTER 412.

1874.

AN ACT to amend an act, entitled "An act to incorporate the Kingston and Boone's Gap Turnpike Road Company, in Madison county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Kingston and Boone's Gap Turnpike Road Company," approved March 27th, 1872, be, and the same is, so amended in section six of said act as to authorize said turnpike road company, when five miles of said road are completed, to put up a toll-gate and collect toll; and said toll-gate may be located not less than one half mile from Kingston, in Madison county.

May erect toll-gate and collect tolls.

§ 2. This act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 413.

AN ACT for the benefit of Haly, Mabouey & Co.

WHEREAS, John Haly claims that the State of Kentucky is indebted to him \$———, balance for work and material done and furnished on Fire-proof Public Offices; and it also appears that the commissioners appointed to superintend the construction of that improvement, under whose auspices said Haly done the work, are divided and disagree among themselves as to the true and just standing of said account between Haly and the State; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Governor shall appoint three capable and discreet men, who shall, after being duly sworn to faithfully discharge the duties assigned them under this act, carefully examine all the accounts between the parties, and hear their evidence, and whether in fact there is any sum due said Haly in justice and equity, and if any thing, how much, and make report thereof to the Governor, in writing.

Governor to appoint commissioners to hear evidence, and report amount due, if any.

§ 2. If said report shall show any sum due said Haly, the Governor is hereby directed to order the Auditor to draw his warrant on the Treasurer in favor of said Haly, and the Treasurer is directed to pay the same.

If any money is due, Governor to order Auditor to draw warrant for same.

§ 3. Said commissioners are hereby clothed with power and authority to administer oaths to witnesses of both parties introduced before them on said investigation, and false swearing or perjury by any one before them shall be punished as provided now by law against such crimes;

Commissioners to administer oaths, a penalty for perjury.

1874.

May subpoena
witnesses through
sheriffs or con-
stables.

and said commissioners are authorized to issue subpoenas for witnesses, and their summons for such witnesses shall be executed by any sheriff, constable, or town or city marshal; and the witnesses subject to same penalties for disobedience as in other cases.

Commissioners
to make full re-
port, and same
to be filed in
Governor's office.

§ 4. The commissioners shall make full report, in writing, of the entire case, and all the evidence brought before them. Said report shall be filed and preserved by the Governor in his office; and this settlement shall be final.

Compensation of
commissioners,
witnesses, &c.

§ 5. The commissioners shall be paid five dollars each, per day, for the time they are occupied, and their expenses, as well as also the witnesses and other officers for their services, the fees allowed by law in such cases; all which shall be reported to the Governor by said commissioners, and he shall direct the payment thereof by the Auditor and Treasurer. It shall also be the duty of the Governor to have the State represented throughout said investigation by counsel for the State.

State to be re-
presented by coun-
sel.

§ 6. This act shall take effect from its passage.

Approved February 20, 1874.

CHAPTER 414.

AN ACT to amend and reduce into one the several acts in relation to the town of Owingsville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

ARTICLE I.

Boundary.

Boundary.

§ 1. That the corporate limits of the town of Owingsville shall include all the territory within a boundary of one square mile, having for its center the front door of the present court-house, the north and south lines of the square to run parallel with Main street.

Boundary of
first ward.

§ 2. That said town is hereby laid off into four wards, as follows, to-wit: the territory bounded on the north by Main street, on the east by the Slate Furnace road, and on the south and west by the town boundary lines, shall constitute the First Ward; the territory bounded on the west by said road, on the north and west by said street and the macadamized road leading from said street to the present terminus of the Owingsville and Wyoming Turnpike, and on the east and south by the town boundary lines, shall constitute the Second Ward; the territory bounded on the west by Jefferson street, and a line continuing on the same, bearing to the north boundary line of the town, on

Boundary of
second ward.

Boundary of
third ward.

the south by Main street and said macadamized road, on the east by said macadamized road and the town boundary line, and on the north by the town boundary line, shall constitute the Third Ward; and the territory bounded on the south by Main street, on the east by Jefferson street, and a line continuing on the same, bearing to the north boundary line of the town, on the north and west by the town boundary lines, shall constitute the Fourth Ward. 1874.

Boundary of fourth ward.

ARTICLE II.

Officers and Elections.

§ 1. That the prudential, fiscal, and municipal powers of the town shall be vested in a board of councilmen, to consist of a mayor and four councilmen, to be known and styled the Council of Owingsville; which council and its successors shall be a body-politic and corporate, and by said name shall be capable of contracting and being contracted with, suing and being sued, and of doing all acts which a body-politic and confederate, having perpetual succession, can, in the exercise of its powers, lawfully and rightfully do; said council, under said name and style, is hereby invested with all the claims, title, or interest in and to all rights of action, assets, and property held by or for the use of the present trustees of the town.

Council to control affairs.

Name and style.

Corporate powers.

§ 2. The other officers of said town shall consist of a police judge, marshal, clerk, and attorney. The clerk shall be *ex-officio* treasurer and assessor. The marshal shall be *ex-officio* collector of taxes.

Other officers. ■

§ 3. The first election under this act for mayor and councilmen shall be on the first Saturday in May, 1874. The persons then elected shall continue in office till the third Saturday in January, 1875, and till their successors shall duly qualify. The mayor and councilmen chosen on the third Saturday in January, 1875, shall hold their offices one year, and until their successors qualify; and an annual election shall be held on the third Saturday in January for the election of said officers. Each ward shall vote separately for mayor, and shall elect one councilman.

When mayor and council to be elected, & term of office.

§ 4. No person shall be eligible to the office of mayor, police judge, marshal, or clerk, unless he is a male citizen of this Commonwealth, over the age of twenty-one years, and unless he has been a resident of the county one year, and of the town sixty days next preceding his election or appointment. No person shall be eligible to the office of town attorney unless he is a male citizen of this Commonwealth, over the age of twenty-one years, and has been a resident of the county one year, and of the town sixty days next preceding his election or appointment, nor

Qualifications of officers.

1874. unless he has been a licensed practicing attorney for two years under the laws of this Commonwealth. No person shall be eligible to the office of councilman unless he is a male citizen of this Commonwealth, over the age of twenty-one years, a freeholder, and has been a resident of the county one year, and of the ward from which he is elected or appointed sixty days next preceding his election or appointment; nor shall any one be eligible to any of the offices mentioned in this section who is the vendor of spirituous, vinous, or malt liquors, by license or otherwise, and no person shall be granted such license during the term of office for which he may have been elected or appointed, although he may have resigned.

Qualifications of voters.

§ 5. No person shall be eligible to vote in said town for any officer thereof unless he is a male citizen of this Commonwealth, over the age of twenty-one years, and has been a resident of the State two years, or of the county one year, and of the ward in which he offers to vote sixty days next preceding the election; nor shall any person be eligible to hold any office, or to vote at any election of said town, until he has paid his town tax, levied for the year preceding the one in which the election is held, and all fines, penalties, or forfeitures adjudged against him due said town.

Clerk & attorney to be elected by council.

§ 6. The town clerk and attorney shall be elected by the council annually, at the first meeting after its election or appointment, where there is a failure to elect.

Police judge, when elected, and term of office.

§ 7. A police judge shall be elected by the voters of said town on the first Monday in August, 1874, and every four years thereafter, to hold his office for a term of four years, and until his successor is elected and qualified.

Marshal—when elected, term of office, and to give bond.

§ 8. A town marshal shall be elected by the voters of said town on the first Monday in August, 1874, and every two years thereafter, to hold his office for a term of two years, and until his successor is elected and qualified. He shall qualify and give bond before the Bath county court on the first Monday in January following his election, as now required by law of sheriffs.

When present officers' terms shall expire.

§ 9. The term of office of the present trustees shall expire on the first Saturday in May, 1874; and the present clerk, treasurer, and attorney shall hold their offices till the first meeting of the council elected in May, 1874; and the clerk and attorney then elected shall hold their offices till the first meeting of the council elected in January, 1875. The present police judge and marshal shall hold their offices till the election in August, 1874; and any vacancy occurring in the office of mayor, councilman, police judge, marshal, attorney, or clerk, shall be filled by appointment of the council, and the appointment shall be till the next regular election held for the election of

Vacancies—how filled.

said officers, and till their successors then chosen shall qualify.

1874.

§ 10. If no election is held for mayor and councilmen in said town, or any ward therein, on the regular election day fixed by this act, it shall be the duty of the Bath county court to fix a day for such election, to be held within forty days after the regular election day.

If election for mayor and council is not held, Bath county court to order election.

§ 11. The election for police judge and marshal shall be held at one voting place, conveniently located for the voters of the town. It shall be the duty of the clerk to cause to be advertised, for ten days before any election by the voters of said town, in some newspaper published therein, or if none, by printed posters in five or more public places in the town, the time and place of such election, and what officers are to be elected thereat.

Notice to be given of elections

§ 12. The Bath county court shall, at its regular term in April, 1874, and annually thereafter at said term, appoint two judges of elections, and a clerk thereof, in each of the four wards of said town, who shall be voters of the town and ward wherein they are appointed as such, and shall continue in office one year. The marshal, by himself or deputies, shall perform the same duties as to elections held in the town as required by law of sheriffs at general elections; and the provisions of the chapter on elections of the General Statutes, so far as the same define the duties of judges, clerks, and sheriffs of elections, and so far as the same are not inconsistent with this act, shall apply and regulate the duties of the election of officers of said town; and each judge, clerk, or marshal of an election held in said town shall be entitled to one dollar per day, to be paid out of the town treasury.

County court to appoint judges & clerk of elections.

Marshal to be sheriff of elections.

Compensation of election officers.

§ 13. That when two or more candidates for any elective office shall have an equal number of votes for the same office, the election shall be determined by lot in such manner as the council may direct, and in the presence of the council and at least three voters of the town.

Course to be pursued where there is a tie.

§ 14. The poll-books of the several wards, or of the town, shall be returned, within twenty-four hours after the close of the polls, to the town clerk, who shall, on the second day after the election, together with the mayor and marshal, count the votes for the several candidates, and deliver certificates, signed by them, to the candidates elected.

Poll-books to be returned to town clerk.

Election board and their duties.

§ 15. That the present trustees shall, till their term of office expires, exercise the same powers granted to the council; and the present clerk, attorney, police judge, and marshal shall, as far as possible, exercise the same powers granted to those officers, respectively, under this act, till their successors are chosen and qualified.

Powers of old officers until successors are elected and qualified.

1874.

Penalty for illegal voting.

§ 16. That any person who votes in said town at any town election therein, who is not qualified to vote by this act, or who attempts to exercise the duties of any office to which he is ineligible by this act, shall be guilty of a misdemeanor, and fined in any sum not less than twenty-five nor more than one hundred dollars, to be recovered before the Owingsville police court.

Hours of election.

§ 17. That all elections by the qualified voters of the town shall be held between the hours of seven o'clock in the morning and five o'clock in the evening; but the officers of the election may adjourn, from time to time, during the day, not exceeding three hours at any one time; and the council shall judge of the elections, qualifications, and returns of its members; and in cases of contested elections for any town officer elective by the voters of the town, or any ward, shall be heard and determined by the council under such rules as may be prescribed by the by-laws or ordinances.

Council to judge of qualifications, elections, and returns, and to hear contests.

Clerk to notify Secretary of State of election of police judge, and Governor to commission him.

§ 18 The clerk shall certify to the Secretary of State the name of the person elected or appointed police judge of said town, and the Governor shall issue a commission to said officer upon such certificate.

ARTICLE III.

Powers and Duties of Officers.

Officers to take oath and have same recorded by clerk.

§ 1. That every person elected or appointed to an executive, judicial, or other office, under this act, shall, before he enters on the duties of his office, take and subscribe an oath before some officer authorized to administer an oath, to faithfully and impartially, and to the best of his ability, execute the duties of his office, and to be faithful and true to the laws of this Commonwealth, and especially those pertaining to said town; and it shall be the duty of the clerk to file said oaths in his office as a part of the record thereof.

Marshal to execute bond.

§ 2. That the marshal shall, previous to entering on the duties of his office, execute a bond, with two or more good and solvent sureties, before, and to be approved by the Bath county court, under the same restrictions and requirements of the law as in case of sheriffs. The clerk of the said court shall file said bonds in his office, and preserve the same among the records thereof.

Clerk to execute bond.

§ 3. The clerk of said town shall also execute bond, with two or more good and solvent sureties, before the Bath county court, to the Commonwealth of Kentucky, conditioned that he will well and truly perform his duties under this act, and pay over any money which may come to his hands as treasurer to the person or persons entitled thereto, and in accordance with the orders of the council

of Owingsville. Said bond shall also be filed by the clerk of said court in his office, and preserved among the records thereof. All fees of the county court clerk under this act shall be paid out of the town treasury. The town clerk shall pay out no money in his hands as treasurer, except upon the warrant of the mayor, in pursuance of the orders of the council; and said clerk shall, annually, in the month of January, prior to the annual election, make out and publish in some newspaper of the town, or if none, in at least one hundred printed handbills, a full and complete statement of all taxes, fines, penalties, forfeitures, license fees, or other moneys which have come to his hands as treasurer of said town up to and including the thirty-first day of December in the preceding year, and of all disbursements by him, to whom made, and for what purpose; and any balance in his hands at the expiration of his term of office shall be paid over to his successor. He shall receive all moneys belonging to the town, and keep an accurate account of all receipts and expenditures in such manner as the council may direct, which account shall always be open to the inspection of the mayor and councilmen.

1874.

Clerk only to pay out funds on orders of council.

Clerk to make annual report.

Clerk to receive moneys and keep accurate accounts

§ 4. That the clerk, as assessor, shall perform all the duties which the council may prescribe in relation to the assessing of property for the purpose of levying the taxes imposed by the council.

Clerk to be assessor.

§ 5. The clerk shall keep the corporate seal, if there be one; make and keep a record of the proceedings of the council, at whose meetings it shall be his and the marshal's and attorney's duty to attend; and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the council, certified by him, shall be evidence in all the courts of this Commonwealth.

Clerk to keep seal and record of proceedings of council.

Copies to be legal

§ 6. The mayor shall preside over the meetings of the council, and in case of a tie, shall have the casting vote. He may call meetings of the council when, in his opinion, the interests of the town demand it, or any three councilmen, or any five voters, in writing, require it; and it shall be his further duty to see that all ordinances, rules, regulations, and by-laws of the town are faithfully executed. He shall have power to perform the duties of police judge in all criminal and penal actions under the general or town laws when there is a vacancy in the office of police judge, or when the said judge is absent, sick, or unable to attend to the duties of his office from other cause; he shall have the same fees allowed the judge in such cases, and shall account for all moneys received for fines as is required of the police judge.

Duties of mayor.

1874.

Quorum of council.

Vacancies in mayor's office — how filled.

Duties and compensation of attorney.

Duties of marshal.

Compensation of marshal.

Suit may be brought on marshal's bond for failing to discharge duty.

Salaries of council, clerk, and police judge.

§ 7. The mayor and three councilmen shall constitute a quorum for the transaction of ordinary business; and in case of a vacancy in the office of mayor, or of his being unable to perform his duties by reason of absence from the town or sickness, the council shall appoint one of the councilmen to fill the office *pro tempore*, whose designation shall be acting mayor.

§ 8. The town attorney shall perform all professional services incident to his office; attend the police court, and prosecute all cases therein; and when required, shall furnish written opinions upon subjects submitted to him by the council, or its committees. He shall, for his services, receive the same per centage of fines and forfeitures in the police court, where he attends and prosecutes to judgment, as is allowed by law to Commonwealth's attorneys in the circuit court.

§ 9. The marshal shall attend all the sessions of the police court held for the trial of criminal and penal cases, and shall give the town attorney previous notice of any proceedings in that court which it is his duty to prosecute or defend. He shall procure evidence in cases affecting the town; and within his county shall have the same power and authority to serve and execute all process, civil, criminal, or penal, that constables now have; and he shall be subject to the same liabilities, together with his securities, in the same manner as to the same extent as constables under the general laws. He shall have the power to appoint deputies, not exceeding four, to be approved by the council, and sworn to discharge their duties on county court days, and other public days; and the marshal shall be responsible for their conduct on his official bond. He shall collect the taxes levied by the council, settle for and pay the same into the treasury by the first day of October in each year, and perform such other duties as may be herein required or prescribed by the council. He shall receive five per cent. of all taxes collected and paid into the treasury; and for all other services he shall receive the same fees allowed by law to sheriffs or constables for similar services.

§ 10. That the council of Owingsville, or any person interested, may institute suit on the clerk's, marshal's, or police judge's bond, for any money which they shall fail to pay or account for, respectively, before the police court, or other court of competent jurisdiction, as in actions on constables' bonds under the general law.

§ 11. The mayor and councilmen shall receive, after the first Saturday in May, 1874, an annual salary of fifteen dollars each; the clerk shall receive a salary of twenty-five dollars; and the police judge, in addition to his regular fees, a salary of one hundred dollars per an-

num, to be paid out of the treasury. The council may decrease or increase said salaries, should it see proper to do so, after the third Saturday in January, 1875. All fines or forfeitures collected by the police judge or marshal shall be paid to the clerk forthwith, deducting the commission, if any, due the town attorney.

1874.

Fines and forfeitures — how disposed of.

§ 12. That if any person, having been an officer in said town, shall not within twenty days after notification and request, deliver to his successor in office all the property, papers, and effects, of every description, in his possession, belonging to said town, or appertaining to the office he held, he shall forfeit and pay, for the use of said town, one hundred dollars, besides costs and damages, caused by his neglect or refusal so to deliver, to be recovered before the police court.

Penalty for officers failing to turn over tools, &c., to successors in office.

ARTICLE IV.

Police Court.

§ 1. That there shall be established in said town a court to be styled the Owingsville police court, to be held by the police judge of Owingsville.

Police court established.

§ 2. That said police court shall have exclusive original jurisdiction of all violations of the ordinances and by-laws of said town, and concurrent jurisdiction with the Bath quarterly court in all criminal, penal, and civil cases and proceedings. In all civil actions, where the amount in controversy, exclusive of interest and cost, exceeds fifty dollars, the action shall be by petition and summons; but before any summons is issued, the plaintiff shall pay to the police judge a tax of fifty cents, to be taxed as costs, and accounted for by the said judge on his official bond to the trustee of the jury fund. He shall hold his courts at the court-house in said town; and for the trial of civil cases shall hold his courts quarterly, on such days as he may fix upon in his judgment-book. Notice of the days on which he shall begin his terms for the trial of civil actions, or any alteration thereof, shall be given thirty days before the beginning of the first term in some newspaper published in said town, or by printed posters in five or more public places in the Owingsville election precinct; but no alteration shall be made so as to make exceeding four terms in any one year. The jailer shall be allowed the same fees for making fires and waiting on the Owingsville police court, at its regular terms, for the trial of civil cases, to be paid by the treasurer, as are allowed by law for like services in the county court. He shall be allowed his regular fees for all services in feeding prisoners placed in the county jail for violations of town ordinances, or for a failure to pay fines and costs for such violations, to be paid him by the town.

Jurisdiction and powers of police judge.

Fees of jailer for attending police court and confining prisoners.

1874.

Police court to be
a court of record.

§ 3. That the said police court shall be a court of record, and the judge thereof shall act as clerk of the same; and certified copies of the records of said court, over the signature of the judge, shall be evidence in any court of this Commonwealth. Said court shall have no appellate jurisdiction; and all judgments of said court, in criminal and penal cases, under the general laws, where the fine imposed does not exceed fifteen dollars, or the imprisonment ten days, or for any violation of a town ordinance, or in civil cases where the matter in controversy, exclusive of interest and cost, does not exceed twenty dollars, shall be final and conclusive; but in all other cases an appeal may be taken under the provisions of the Civil and Criminal Codes of Practice within sixty days after the rendition of the judgment; which appeal shall be taken directly to the Bath circuit court.

When judgments
of police court to
be final, & when
appeals allowed,
& where appeals
shall lie.

Style of process.

§ 4. That all process issued by the police judge shall be in the name of the Commonwealth of Kentucky; and where such process relates to the violation of a town ordinance, it shall be in the name of the Commonwealth of Kentucky for the use of the council of Owingsville. The process in civil cases, or in criminal and penal cases, under the general laws, may be returnable to said police court, or to any magistrate of said county; but in cases pertaining to a violation of a town ordinance, the process must be made returnable to said police court. The marshal shall execute all process from said court, unless otherwise directed by the party or his attorney in whose behalf the same is procured, which direction may be verbal.

Marshal to execute
process.

Fines and forfeitures
to go into town treasury.

§ 5. That all fines, penalties, or forfeitures imposed by, or arising from, cases instituted in said police court, shall, when collected, be paid into the town treasury.

Right of replevying
judgments.

§ 6. The defendant shall have the right to replevy, for three months, any judgment for any fine or forfeiture in said police court, or any *capias pro fine*, or *ferri facias* issued thereon, by giving good security; and a return of *nulla bona* on a *capias pro fine*, or writ of *ferri facias*, issued on any judgment in the police court, shall authorize an attachment against the personal property of the defendant, or process to subject his choses in action, or other available effects, to the satisfaction of such judgment.

When attachments
may issue.

Fines—how to be
paid or worked
out.

§ 7. That all persons adjudged to pay fines in the Owingsville police court, who do not pay or replevy the same, shall be forthwith confined in the Bath county jail until the fines and costs of prosecution assessed against them are discharged, at the rate of two dollars per day for each day's confinement; but the council shall have power to compel any able-bodied male persons, confined in said jail, for a failure to pay or replevy fines imposed by said police court, or on a judgment of imprisonment

by said court, to work out said fines and costs, under the supervision of the marshal, or other person appointed by the council, on any of the streets, alleys, or public grounds of said town, and allow such persons one dollar per day for each day's work as aforesaid; or in case of a judgment of imprisonment, allow the prisoner, for each day's work, a credit of one day on the judgment. In all cases where the defendant works out the costs adjudged against him, the officers to whom said costs are due shall be allowed the same out of the town treasury. 1874.

§ 8. That the police judge shall be entitled to the same fees as the judge of the Bath quarterly court, or as the clerk of the circuit court, for similar services. Fees of police judge.

§ 9. That in case of the absence from town, sickness, death, or resignation of the police judge and mayor, or a vacancy in said offices, the presiding judge of the Bath county court, or the nearest justice of the peace of said county, may hold said police court with all the powers of the police judge. In case of vacancy in police judge and mayor's office, who shall act.

§ 10. That the marshal shall arrest any person who is drunk and disorderly in said town, in the day or night time, with or without a warrant, and it shall be his duty to place such person in the county jail, without a mittimus, until he is duly sober, when he shall bring him before the police court for trial. Any disorderly person in said town at night shall be arrested by the marshal or his authorized deputy, with or without a warrant or mittimus, and placed in the county jail until the next morning, when it shall be his duty to bring such person before the police court. Powers of marshal.

§ 11. That any failure of the marshal to discharge the duties prescribed in the preceding section shall subject him to a fine of not less than twenty-five nor more than one hundred dollars, to be recovered before the police court, in which case the process may be directed to and executed by the sheriff, jailer, or any constable of said county. Penalty for marshal failing to discharge duty.

ARTICLE V.

General Powers and Duties of the Council.

§ 1. That the council shall have stated meetings, and shall have the management and control of the finances and all the property, real, personal, or mixed, owned by the corporation. Powers of council.

§ 2. The council shall have power, within the corporate limits, by by-laws or ordinances—

First. To restrain and prohibit all description of gambling and fraudulent devices, and all playing with cards or dice, or at other games of chance, whereat anything To prevent gaming.

1874.

of value is bet, won, or lost, and to prohibit and punish all participants in any raffle or lottery.

To prevent sale
of spirits in said
town.

Second. To prohibit the selling of any spirituous, vinous, or malt liquors by any shop-keeper, hotel, tavern, or inn-keeper, druggist, trader, grocer, merchant, or other person, in any shop, hotel, tavern, store, grocery, out-house, yard, garden, or other place within said town, or within one mile of the corporate limits.

To prevent sale
or gift of liquors
to minors and
inebriates.

Third. To prohibit the selling or giving away of ardent spirits or other intoxicating liquors to any minor or apprentice without the consent of his or her parent, guardian, master, or mistress, and to prohibit the sale or giving away of such liquors to inebriates or habitual drunkards.

To license and
regulate sale of
liquors.

Fourth. To license and regulate shop-keepers, coffee-house-keepers, hotel, tavern, and innkeepers, druggists, traders, grocers, and keepers of ordinaries or victualing, or other houses or places for the selling of wines and other liquors, whether ardent, vinous, or fermented, and to restrain all such persons from selling without license.

To license and
regulate billiard-
tables, &c.

Fifth. To license, tax, regulate, suppress, and prohibit billiard-tables, pigeon-hole, Jenny Lind, and all similar tables, pin-alleys, nine or ten-pin alleys, ball-alleys, and shooting-galleries.

To license auc-
tioneers, distil-
lers, &c.

Sixth. To tax, license, regulate auctioneers, distillers, brewers, and pawnbrokers, and tax or lay duties on the sale of goods at auction.

To license ped-
dlers.

Seventh. To license, tax, and regulate hawkers and peddlers, and all itinerant vendors of medicines or other goods, wares, or merchandise, whether at auction or otherwise.

To license shows,
&c.

Eighth. To regulate, license, suppress, and prohibit all exhibitions of common showmen, shows of every kind, by itinerant and other persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions and amusements.

To authorize
clerk to issue all
licenses except to
sell liquors.

Ninth. To authorize the town clerk to grant and issue all licenses to retail spirituous, vinous, or malt liquors, and direct the manner and time of issuing and registering thereof, and the fees to be paid therefor. No license shall be granted for more than one year, and not less than five dollars shall be required to be paid for any license under this act, and the fee for issuing the same shall not exceed fifty cents. All licenses shall be subject to a revocation by a majority of the council on the repayment of the pro rata amount of the license fee or tax for the unexpired part of the year or time the license was to run; but no license to retail spirituous, vinous, or malt liquors shall be granted to any person whatever, except upon the unanimous vote of the council, including the mayor; and before any license for

Term for which
license to run.

that purpose shall have any validity or effect, it shall be signed by the mayor and each of the four councilmen in their own proper signatures, respectively, and attested by the clerk; and no such license shall authorize any person to sell such liquors under it on Sunday, a holiday, any legal or primary election day, county, quarterly, or circuit court day, or on the day of any circus show in said town; and the council shall have power to suspend the same on any public day it may deem proper, and to prohibit and punish the giving to a voter of any spirituous, vinous, or malt liquors, on any legal or primary election day in said town. No license shall be granted to retail such liquors to any person outside of the corporate limits.

1874.

May suspend liquor license on public days.

Tenth. To prevent and suppress any riot, rout, breach of the peace, noise, or disturbance, or disorderly assemblage.

To prevent riots, &c.

Eleventh. To suppress and restrain disorderly houses and groceries, and houses of ill-fame.

To suppress disorderly houses.

Twelfth. To establish and regulate markets and other public buildings, and provide for the erection and determine their location, and make crossings across streets.

To establish markets, &c.

Thirteenth. To regulate, license, or prohibit butchers, and to revoke their license for malconduct in the course of trade.

To license butchers.

Fourteenth. To regulate the keeping and conveying gunpowder and other combustible and dangerous materials.

To regulate storage of gunpowder, &c.

Fifteenth. To prevent horse-racing, immoderate riding or driving in the streets, and to authorize persons so riding or driving to be stopped by any person; and to compel persons to fasten their horses, mules, oxen, or other animals attached to vehicles, or otherwise, while standing or remaining in the street.

To prevent racing, &c.

Sixteenth. To prevent the encumbering the streets, sidewalks, lanes, alleys, and public grounds with carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, brick, stone, post-awnings, signs, or any substance or material whatever.

To prevent obstructing streets.

Seventeenth. To prevent any obscene, indecent, or profane exhibition or conduct.

To prevent immoral conduct.

Eighteenth. To restrain and punish vagrants and prostitutes.

To punish vagrants, &c.

Nineteenth. To restrain, regulate, or prohibit the running at large of horses and swine, or other domestic animals, and authorize the distraining, impounding, and sale of the same for the penalty incurred, and the cost of the proceedings; and also to impose penalties on the owners of such animals for a violation of any by-law or ordinance in relation thereto.

To punish and restrain stock from running at large.

1874.

To prevent dogs
from running at
large.

To prevent flying
of kites, &c.

To prevent in-
troduction of dis-
ease.

To have power
over streets.

To abate nui-
sances.

To appoint and
control police.

To provide water

To inspect chim-
neys, &c.

To provide for
general health.

To allow turn-
pikes to be con-
structed.

To make all
necessary and
proper by-laws &
ordinances, and
fix penalties for
violating same.

Twentieth. To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to the by-laws or ordinances.

Twenty-first. To prevent and regulate the playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing on the streets or sidewalks, or to frighten teams and horses.

Twenty-second. To make regulations to prevent the introduction of contagious diseases into the town.

Twenty-third. To have exclusive power over the streets and alleys and sidewalks, and remove and abate any obstructions and encroachments therein or thereon.

Twenty-fourth. To abate and remove nuisances, and punish the authors thereof by penalties of fine and imprisonment, and to define and declare what shall be deemed nuisances, and authorize the summary abatement thereof.

Twenty-fifth. To appoint watchmen and policemen, and prescribe their duties, power, and pay.

Twenty-sixth. To provide the town with water in any manner they may deem proper, and to establish, make, and regulate public pumps, wells, and cisterns.

Twenty-seventh. To inspect chimneys, flues, and stove-pipes in all buildings, and have them removed or repaired at the owner's expense when the public safety requires it.

Twenty-eighth. To do all acts, and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease.

Twenty-ninth. To grant to any turnpike road company the right to construct and build a turnpike road or roads on the public roads or avenues within said town, or to contract with a turnpike company, on such terms and conditions as may be agreed upon, to use any macadamized road or street in said town, except Main street, as a part of the road of such company, or to repair or extend the same as such.

Thirtieth. To make, publish, ordain, amend, and repeal all such ordinances, by-laws, and police regulations, not contrary to the Constitution of this State or of the United States, for the good government and order of said town, and the trade and commerce thereof, as may be necessary or expedient to carry into effect the powers vested in the council, or any officer of said town, by this act, and enforce observance of all rules, regulations, by-laws, and ordinances made in pursuance of this act, by penalties not exceeding, in any case, one hundred dollars fine, and thirty days imprisonment for any offense against the same. In all cases where the fine may exceed sixteen dollars, or the imprisonment five days, the defendant may demand and shall be entitled to a jury before the police court.

Thirty-first. To provide for the use of said town a fire engine, organize a fire company, and make necessary regulations for the prevention of damage by fire.

1874.

To provide fire apparatus.

Thirty-second. To prohibit and punish insurance agents doing business in said town from entering into combinations to fix minimum rates of insurance on the property in said town, for the purpose of preventing competition.

To prevent combinations by insurance agents.

Thirty-third. That the council has exclusive power to grant all licenses for which provision is made by this act. That the amount to be paid for a license to keep a coffee-house or saloon, or other house, to sell ardent spirits by the drink, or otherwise, in said town, for one year, shall not exceed one hundred and fifty dollars, besides the State tax.

To grant all other licenses.

ARTICLE VI.

Taxation.

§ 1. That all dwelling-houses, business houses, store-houses, warehouses, hotels, shops, offices, stables, barns, cribs, or other buildings adjacent to either, together with any inclosed lot or lots upon which any such improvements may be situated, and all vacant lots of land now or which shall hereafter be laid off for the purpose of erecting any such buildings upon, including all yards, gardens, stable-lots, orchards, and vineyards, shall be subject to taxation for town purposes in said town, except such property as is exempt by the third section of this article.

May levy all taxes.

§ 2. That all personal or mixed property owned by the citizens of said town, and all personal or mixed property located in said town owned by persons not citizens of said town, subject to State taxation, including that under the equalization laws, and all stock, capital, or money invested in any bank, shall also be subject to taxation for town purposes.

Property of non-residents subject to taxation.

§ 3. That there shall be exempt from taxation under this act for town purposes all property belonging to and owned by said town, Bath county, the State of Kentucky, the United States, any church, seminary, college, or public school, and all grounds attached thereto, dedicated solely to the uses thereof, and also all pasture or agricultural lands; but in case any road or street fronting or running through pasture or agricultural lands is graded or macadamized by the council, then such lands, to the depth of three hundred feet from and fronting upon said road or street so graded or macadamized, shall be listed and taxed as other taxable property in said town, to aid in the payment of the expense incurred by such grading or macadamizing.

What property is exempt from taxation.

1874.

When property
to be assessed.

§ 4. The taxable property of said town shall be assessed at its market value, in currency, on the first day of May in each year. The assessor shall make his assessment between the tenth day of May and the tenth day of June in each year, and when completed, shall return the same to the council, who may correct and revise the same in such manner as shall do justice and secure equality to all as far as possible, giving ten days' public notice of the time of their revision.

In lieu of poll-
tax males to work
on streets.

§ 5. That in lieu of a town poll-tax, the council shall have power to require, and it is hereby made the duty of, every able-bodied male inhabitant of said town over sixteen and under fifty years of age, except ministers of the Gospel, to labor two days in each year upon the streets or alleys of said town, under the supervision and direction of the marshal or a street commissioner, to be appointed by the council, and furnish such tools as may be required, on two days' verbal notice by the marshal or commissioner; but every such person may, at his option, instead of laboring, pay into the treasury of said town, at the rate of one dollar per day for each day he may be required to work: *Provided*, Such payment be made before the first day of labor is required. But all persons over fifty years of age in said town, not exempted by the council, shall pay a poll-tax of two dollars per annum as long as such improvement is required by the council. In default of payment or labor as aforesaid, the sum of four dollars and cost of suit before the police court shall be recovered by the council against each person so in default, unless excused by order of the council for good cause shown. Any and all persons who are so required to labor shall be exempt from working on any road in the county outside of the corporate limits as designated by this act. The marshal, if he acts, or the street commissioner appointed by the council, shall be exempt from said tax and labor, and may be allowed a reasonable compensation in addition for his services.

Penalty for failing
to work or to pay
poll-tax.

Council to levy
taxes for street
improvement, &
how same to be
applied, and time
such levy to run.

§ 6. It shall be the duty of the council to levy and collect a tax of not less than ten nor more than thirty cents on each hundred dollars' worth of taxable property of said town after the year 1874, annually, for the term of five years, which tax shall be applied to the grading and macadamizing of such of the streets of said town as the council may direct, and to no other purpose whatever; but no street shall have more than one year's taxes spent upon it until another year's tax has been spent upon another or other streets of said town.

Voters may con-
tinue tax longer
than five years.

§ 7. After the expiration of the time mentioned in the next preceding section, the same shall still be in force for any time, not exceeding five years, if a majority of the

legal voters of said town so direct, at an election to be held for that purpose; and the said section may continue in force, from time to time, after that, as often and as long, not exceeding five years at any one time, as a majority of the legal voters of said town may direct, at elections held for that purpose.

1874.

§ 8. The council shall direct, by proper orders entered upon the records of the town, when, how, and by whom the elections provided for in the next preceding section shall be held, but shall give ten days' printed notice, posted in two or more public places in said town, of the time and place of holding any such election.

Notice to be
given of elections

§ 9. The preceding three sections are not to apply to the sidewalks of said town, nor are they to prevent the collection of other lawful taxes for purposes other than grading and macadamizing the streets of said town.

Not to interfere
with other taxa-
tion.

§ 10. That the council may, instead of adopting the labor and street poll-tax plan, as provided for in section five of this article, levy and collect a poll-tax, not exceeding two dollars on each male person residing in said town, over the age of sixteen years; and the parent or guardian of any such male person, over sixteen and under twenty-one years of age, shall be liable for said poll-tax, or for the failure to work upon the streets, as may be required under section five aforesaid.

Council may levy
poll-tax in lieu of
work, in their
discretion.

§ 11. The boarding place shall constitute the place of residence of any person in said town who has no dwelling-house or fixed abode in said town.

Legal residence

§ 12. That every ordinance or by-law or regulation, imposing any penalty, fine, imprisonment, or forfeiture for its violation, shall, after its passage, before taking effect, be published one week in some newspaper published in said town, or by posting printed notices thereof in three or more public places in said town.

Ordinances
having penalties
attached of fine,
&c., to be pub-
lished.

§ 13. There may be, in addition to the street taxes aforesaid, an ad valorem tax levied and collected each year, of not exceeding ten cents on each hundred dollars' worth of taxable property. For any tax levied under this act there shall exist a lien in favor of the council, upon all the property of the tax-payer until the same is paid; and in case the owner of any taxable property shall fail to pay his or her taxes on or before the first day of October in each year, it shall be the duty of the town marshal to sell, for cash in hand, at the court-house door in said town, after ten days' advertisement in some newspaper published in said town, or by printed advertisements posted in three or more public places in said town, one of which shall be at the court-house door on some county court day thereafter, so much of the real, personal, or mixed property of the person so in default as will pay off and discharge the taxes of such

Council may
levy ad valorem
tax, & how same
may be collected.

1874.

Right of redemption.

If not redeemed, mayor to convey title to purchaser

Council may require owners to keep sidewalks in repair, and penalty for failing.

defaulter due the council, and ten per centum damages thereon for the marshal, besides expenses of sale, and which shall vest the purchaser with the title and right to hold the same; and personal or mixed property so sold shall be delivered at once to the purchaser: *Provided, however,* That the owner of the real estate so sold may, within one year from the date of the sale, redeem such estate by paying to the purchaser thereof, or to the town clerk for said purchaser, the purchase money and twenty per cent. thereon; but if he fails to redeem the real estate, as hereinbefore set forth, within one year, the said council shall cause the mayor to convey, by deed, to the purchaser, or his assignee, the estate so purchased, under his own hand and official title; and said deed shall vest the full fee-simple title in the purchaser, who, to obtain possession, shall be entitled to the same remedies as are prescribed by law in case of a purchase under a sheriff's deed. Said sales shall be made under the direction of the council after the delinquent has failed to comply with this act, and such regulations as may be made under it.

§ 14. The council of said town shall have power to require the owners of real estate in said town to repair and keep in repair the sidewalks in said town in front of, or binding on, their real estate in said town; and if the owner of any real estate in said town shall fail to repair the sidewalks in front of, or binding on, their real estate in said town, for forty days after the owner or occupant of said real estate shall have been notified by the council, then the council shall have power to cause said sidewalks to be made and repaired as aforesaid at their own expense, and may sue the owner of the property, whose duty it was to repair and keep the same in repair, and recover the amount so expended by them in repairing the same, and ten per cent. thereon, and costs of suit, in any court of competent jurisdiction; and they may have all the remedies to recover the same that any other creditor has to recover and coerce all debts due him; and in all cases under this section the police judge shall have full jurisdiction.

ARTICLE VII.

Miscellaneous Provisions.

Liquor-sellers to give bond & security.

§ 1. That every person who is granted a license to retail spirituous, vinous, or malt liquors in said town, before presuming to sell, and before such license shall be in force, shall go before the Bath county court, and, together with two or more good and solvent securities, to be approved by said court, execute a covenant to the Commonwealth of Kentucky, conditioned that he will not sell or give to any person spirituous, vinous, or malt liquors, or

any mixture thereof, contrary to the provisions of this act, or any by-law or ordinance of said town concerning the sale or gift of such liquors made in pursuance of this act; and that he will pay all damages to any husband, wife, child, parent, guardian, employer, or other person who shall be injured in person, property, or means of support by any intoxicated person, or in consequence of any intoxication, habitual or otherwise, of any person whose intoxication, in whole or in part, shall have been caused by selling or giving such liquors by the principal in such bond, or his agents or employees.

1874.

§ 2. It shall be unlawful for any person to get intoxicated. Any person found in a state of intoxication shall, upon conviction thereof, be fined in the sum of five dollars. Any person convicted of intoxication shall be required, upon the trial, to designate the person or persons from whom the liquor, in whole or part, was obtained. In default of so designating such person, he or she shall, in addition to the fine above mentioned, as a part of his or her punishment for the offense, be imprisoned in the county jail not less than one day nor more than ten days, at the discretion of the court.

Penalty for
drunkenness.

§ 3. That every husband, wife, child, parent, guardian, employer, or other person, who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of intoxication, habitual or otherwise, of any person, shall have the right of action in his own or her name, severally or jointly, against any person or persons who shall, by selling or giving intoxicating liquors, have caused the intoxication, in whole or in part, of such person, for all damages and exemplary damages. A married woman shall have the same right to bring suit, and control the same, and the amount recovered, as a *feme sole*; and all damages recovered by a minor under this act shall be paid, either to such minor or to his or to her parent, guardian, or next friend, as the court shall direct. All suits for damages under this act may be by any appropriate action in any of the courts of this State having competent jurisdiction; and if against a person having license to retail, the suit may be upon the bond required by the first section of this article against the principal and sureties therein.

Persons having
right of action
under liquor
dealers' bond.

§ 4. The chapter on "Towns" of the General Statutes, so far as the same is consistent with this act, shall apply to said town.

§ 5. That all former acts relating to said town are hereby repealed.

§ 6. That this act shall take effect from its passage.

Approved February 20, 1874.

1874.

CHAPTER 416.

AN ACT for the benefit of S. M. Goble, of Carter county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on the Treasurer in favor of S. M. Goble, of Carter county, for one hundred and twenty-seven dollars, for taking care of Bird Goble, colored pauper lunatic, from the 10th day of January, 1873, till the 30th day of August, 1873, payable out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall take effect from its passage.

Approved February 21, 1874.

CHAPTER 417.

AN ACT for the benefit of Stephen Nethercutt, of Carter county.

WHEREAS, Stephen Nethercutt, committee for Nancy Martin (colored), pauper lunatic of Carter county, in pursuance to the order of the Governor, by general proclamation, conveyed said lunatic to the Fourth Lunatic Asylum at Anchorage, Kentucky, on the 20th day of October, 1873, believing that she would be received at said asylum; and when he offered said lunatic to said asylum she was admission therein by the superintendent thereof by reason of there being no provision made at said asylum for the reception of pauper colored lunatics; and said Nethercutt had to reconvey said lunatic back to Carter county, Kentucky; and the Auditor of Public Accounts has refused him payment therefor, he being entitled to pay; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Allowed \$75 12. § 1. That the Auditor of Public Accounts be, and he is hereby, directed and authorized to draw his warrant on the Treasurer in favor of Stephen Nethercutt for the sum of seventy-five dollars and twelve cents (being amount allowed by existing laws for conveying pauper lunatics to said asylum), for his services in conveying said Nancy Martin to said asylum, and reconveying her back to Carter county; said sum shall be paid out of any money in the Treasury not otherwise appropriated.

§ 2. That this act shall take effect and be in force from and after its passage.

Approved February 21, 1874.

CHAPTER 418.

1874.

AN ACT to incorporate the Central Kentucky Banking Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. DeRoode, Wm. Harting, M. G. Thompson, John B. Payne, jr., John W. Lell, C. W. Foushee, W. W. Bruce, John G. Yellman, Wm. Christie, D. G. Falconer, John W. Berkley, Dennis Mulligan, and their associates, successors, and assigns, are hereby created a corporation, under the name of the Central Kentucky Banking Company, and shall so continue until the first day of January, one thousand nine hundred; and by that name are made capable in law to acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as may be necessary for the transaction of its business, or which may be conveyed to it as surety for any debt, or purchased in satisfaction of any debt, judgment, or decree, and sell and convey the same; to sue and be sued, contract and be contracted with, answer and be answered, defend and be defended, in all courts and places whatever; may have and use a common seal, and alter and renew the same at pleasure; and to make, ordain, establish, and put in execution such by-laws as may be necessary for the government of said corporation, not contrary to law.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The capital stock of said corporation shall not be less than twenty thousand nor more than one hundred thousand dollars, and shall be divided into shares of twenty dollars each.

Capital stock.

§ 3. Any of the corporators above named may receive subscriptions to the capital stock, and when twenty thousand dollars has been subscribed and ten dollars per share paid thereon, may commence business.

When corporation may go into operation.

§ 4. The property, business, and affairs of said bank shall be under the management of a board of directors, consisting of not less than five nor more than thirteen persons, all of whom shall be stockholders in said company, and residents of this State, one of whom shall be elected president of the board; and the said R. DeRoode, Wm. Harting, M. G. Thompson, John B. Payne, jr., John W. Lell, C. W. Foushee, W. W. Bruce, John G. Yellman, William Christie, D. G. Falconer, John W. Berkley, and Dennis Mulligan, are hereby constituted a board of directors for said bank, to serve as such until the first Monday of January, 1875, and until their successors are elected and qualified; and should any of the persons above named fail or refuse to qualify and serve as a director, his place may be treated as vacant, and may be filled by the remainder; and all vacancies in the board of directors of said bank may be filled by the other directors; and on

Business to be under control of directors.

Vacancies—how filled.

1874.

Election of directors to be annual.

Notice of election to be given.

the first Monday of January, 1875, and on the same day of each year thereafter, there shall be an election of directors for the said bank by the stockholders thereof, who shall serve as such until the succeeding first Monday in January, and until their successors are elected and qualified. Notice of such election shall be given in a newspaper published in the city of Lexington, for at least five days preceding such election; and all elections for directors of said bank shall be under the inspection of two or more stockholders, to be appointed by the board of directors, and the result of said elections shall be certified under the signatures of the persons holding them. A plurality of votes shall elect, and each stockholder shall be entitled to one vote for each share of stock which he may own, and may cast the same in person or by proxy; and the votes of a majority of stockholders so voting shall be good and valid for all purposes.

Quorum.

§ 5. A majority of the board of directors shall form a quorum for the transaction of business.

May do general banking business.

§ 6. Said bank may receive deposits of gold, silver, bank notes, and other notes which may be lawfully circulating as money, and repay the same in such manner, at such times, and with such interest, not exceeding the lawful rate of interest of this State, as may be agreed upon with the depositor by special or general contract; may deal in exchange, bonds, stocks, promissory notes, and other evidences of debt; loan money at a rate not exceeding the rate allowed by law, and take personal and other securities for the payment of any loan or indebtedness; may receive promissory notes by assignment, United States vouchers, warehouse receipts, bills of lading, mortgages on unencumbered real estate, worth at least double the amount secured thereby, bonds and stocks, or any other property or article of value in pledge for the security of money loaned, liabilities due or maturing to said bank, and sell the same on the non-payment of the debt or demand according to the provisions of an act, entitled "An act for the benefit of the incorporated banks of Kentucky," approved March 16th, 1871. Inland bills which may be purchased, or promissory notes discounted by it, shall be, and they are hereby, placed upon the footing of foreign bills of exchange, and like remedy may be had thereon, jointly and severally, against the drawers and indorsers; and said bank may issue certificates of credit payable throughout the United States and elsewhere.

May receive savings deposits.

§ 7. Savings deposits may be received and paid to depositors under such regulations, not inconsistent herewith, as the board of directors shall prescribe. Such rules shall be put up in a conspicuous place in the banking-room of said corporation.

§ 8. The Legislature of Kentucky may examine, by committee, the affairs of said bank, and may alter or repeal this act at pleasure.

1874.

Legislature to have right of examination.

§ 9. The board of directors of said bank shall have power to appoint and employ such officers, agents, and servants as they may deem necessary to conduct the business of the bank, pay them such wages and salaries, and take from them such bonds to secure the faithful performance of their respective duties, as they may think proper and reasonable. The stock shall be deemed personal property, and shall be assignable according to such rules as the board of directors shall, from time to time, establish; but said corporation shall have a lien on the stock to secure any indebtedness of the stockholders to the bank for stock unpaid.

Directors to appoint officers and fix salaries.

Stock to be personal property.

§ 10. Said bank shall, on or before the tenth day of January of each year, pay into the State Treasury fifty cents on each one hundred dollars of the capital stock subscribed and actually paid in. The cashier shall at the same time transmit to the Auditor of the State a verified statement of the condition of the bank, and shall, on the first days of January and July in each year, make and publish under oath a statement making a full exhibit of all the assets and liabilities of said bank.

State taxation.

Cashier to make report to Auditor.

§ 11. Any director, officer, or employee of said bank, who shall convert any of its property, or the property of others in possession of said bank, to his own use, or make a fraudulent entry on his books, shall be deemed guilty of felony, and, upon conviction thereof, shall be confined in the penitentiary not less than two nor more than ten years, and be liable to the party injured for damages.

Penalty for fraud in officers.

§ 12. Subscriptions to the capital stock, with legal interest, from the time the same was due, may be recovered in any court having jurisdiction.

Subscriptions may be collected at law.

§ 13. The meeting of stockholders for the election of directors shall be held at the banking-house of said corporation between the hours of ten A. M. and twelve M.; but no stockholder whose obligation to said bank for stock is due and unpaid shall vote at such meetings, nor be eligible for election as a director or officer of said bank. A meeting of stockholders may be called by the board of directors at any time, and shall be called by the cashier, when thereunto requested, in writing, by stockholders representing five hundred shares of stock.

Where and when elections of directors to be held.

§ 14. All officers of said bank shall hold their positions during the pleasure of the board of directors; and said board may declare vacant the place of any director for gross neglect of duty, or for failing to attend its weekly meetings eight consecutive times. Vacancies in the board may be filled by those remaining in office.

Officers to be employed at pleasure of board

1874.

Debts not to
exceed capital
stock.

§ 15. The indebtedness of this corporation, except that incurred for deposits, shall at no time exceed its capital stock paid up, and no certificate of stock shall be issued until the same has been subscribed for and actually paid up.

No individual
liability of stock-
holders.

§ 16. The stockholders in this company are not liable in any event, or in any manner whatever, for the debts and liabilities of said company, except to the extent of their shares of the capital stock of the same.

§ 17. The place of business of said company shall be in the city of Lexington.

§ 18. This act to take effect from its passage: *Provided*, That this act shall be null and void unless said incorporators shall organize and do business hereunder within one year from the approval thereof by the Governor.

Approved February 21, 1874.

CHAPTER 421.

AN ACT declaring Blackberry creek, in Pike county, a navigable stream.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Blackberry creek, a stream of Tug river, in Pike county, be, and the same is hereby, declared a navigable stream from its mouth up to Jerry Hatfield's mill.

§ 2. This act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 423.

AN ACT to extend the town limits of the town of Dover, in Mason county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary ex-
tended.

§ 1. That the town limits and authority of the town of Dover, in Mason county, be, and the same are hereby, extended so as to include within the boundaries and authority of said town all the tract of land known as Frenchtown, and the intervening tract between that and the old corporation of Dover, as laid out by John E. French, and shown on the plat of said tract of land made by him, and now of record in the clerk's office of the Mason county court.

§ 2. This act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 424.

1874.

AN ACT to amend the charter of the Paint Lick and Copper Creek Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act incorporating the Paint Lick and Copper Creek Turnpike Road Company, approved February 20, 1860, be, and the same is hereby, so amended as to read as follows: that should there be a failure to elect a president and board of directors of said company on the first Saturday in May in any year, as prescribed by said act of incorporation, it shall and may be lawful for any member of the old board, or any two of the stockholders of said company, to give ten days' written notice, posted at the toll-gate house of said road and five or more public places in the vicinity, of the time and place of an election to be held within not less than one month after the said first Saturday in May; and the election so held under such notice shall be as valid as if done by order of the board, and the officers so elected and qualified shall hold their offices until the next annual election provided for in said chapter, and until their successors are duly elected and qualified.

If election of directors should not be held as required by law, directors or stockholders to call meeting for such purpose.

§ 2. This act shall take effect and be in force from its passage.

Approved February 21, 1874.

CHAPTER 425.

AN ACT entitled "An act for the benefit of John Pearce, of Trimble county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby directed to draw his warrant upon the Treasurer in favor of John Pearce, late jailer of Trimble county, for the sum of twenty-five dollars, payable out of any money in the State Treasury not otherwise appropriated, in order to refund to said Pearce the amount which he has paid out of his private funds as a reward for the recapture of Jas. Wise, charged with the crime of robbery, and who escaped from the jail of Trimble county.

Allowed \$25.

§ 2. That this act shall take effect from its passage.

Approved February 21, 1874.

1874.

CHAPTER 426.

AN ACT for the benefit of John Taliaferro, clerk of Clark circuit court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed two
years to collect
fee bills.

§ 1. That the further time of two years, from and after the expiration of his term of office, be allowed John Taliaferro, clerk of the Clark circuit court, to collect his fee bills now due; and he may, for said period of time, distrain therefor in the same manner, and be subject to the same pains and penalties, as now provided by law for any illegal issual of fee bills or dstraint therefor.

§ 2. This act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 427.

AN ACT to incorporate the Ohio and Kentucky River Packet Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

Capital stock.

Corporate
powers.

Business.

§ 1. That there shall be, and is hereby, created a corporation, by the name of "The Ohio and Kentucky River Packet Company," with a capital stock of fifty thousand dollars, to be divided into shares of fifty dollars each, which corporation shall have perpetual succession; and by its corporate name may sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; may have and use a common seal, and alter or renew the same at pleasure; and may make and establish by-laws, rules and regulations, for the efficient conduct of its business; and exercise all and any of the powers of a corporation necessary or proper to carry out the true intent and purpose of its creation.

§ 2. The said corporation shall have power and right to transport persons and property to and from the State of Kentucky along the Ohio and Kentucky rivers to the head of navigation, or other points on said rivers, and along such other rivers as may be necessary in the efficient and successful carrying on of commerce and navigation on said rivers; and may own, buy, construct, repair, charter, hire, sell, and convey steamboats, flats, keels, and other water crafts, with all equipments, appendages, and other personal property; and may also acquire, by lease or in fee, any necessary landings, wharves, or other real estate for the purpose of the corporation in its business, and sell and convey the same at pleasure; and do generally whatever is necessary to make efficient the said

business of commerce and navigation on said rivers ; and may make contracts with shippers to limit or fix its liability as common carriers. 1874.

§ 3. The property of said corporation, and the power to manage and control its business, shall be vested in a board of nine directors, to be elected by the stockholders on the first Monday in May of each year, after the present year, each share entitling the holder to one vote ; and the votes of stockholders may be cast by themselves in person or by proxy, under such regulations, after the first election, as may be prescribed by the by-laws. Directors to control affairs.

§ 4. That James B. Casey, L. H. Brooks, John Boughner, Jas. Maburry, Wm. Hill, Frank Lowe, F. A. Prague, John D. Hearne, and Louis Stix, are hereby appointed commissioners, who, or a majority of whom, may open books and receive subscription of stock in said corporation ; and when not less than one hundred shares are taken, and twenty-five dollars on each share so subscribed for paid in cash to said commissioners, they shall, by advertisement for at least ten days in one of the daily or weekly papers published in Covington or Newport, call a meeting of the stockholders in Covington to elect a board of directors ; and the votes of the stockholders may be given in person or by written proxy ; and the nine persons receiving the largest number of votes shall be declared directors, and hold their offices until their successors shall have been duly elected and qualified. Commissioners' names.

§ 5. After each election of directors, those elected shall choose one of their own number as president of the board, who shall preside at directors' meetings and be chief officer of the corporation ; they shall appoint all other necessary officers and provide for their compensation, and take all necessary bonds from officers of trust to insure a faithful discharge of their duties. When stockholders may organize.

§ 6. No persons shall at any time be voted for or appointed a director who is not at the time a stockholder in said corporation ; and vacancies, by death or resignation, in the board between annual elections, shall be filled by the board, or a quorum thereof ; and a majority of the board in office shall at all times be a quorum for business. President to be elected.

§ 7. The said board shall demand payment of stock subscribed for in such installments and at such time as they may deem expedient ; and if all the stock is not subscribed for before their election, they and their successors may open or keep open the books for subscription of stock, or may sell that not subscribed for for the benefit of the corporation, at not less than par, and may, by rules and by-laws, provide for the forfeiture to the company of any share or shares of stock subscribed for and not fully paid for when required, and may provide for the mode of Qualifications of directors.

Directors may demand payment of stock.

1874. transferring certificates of stock, which shall be deemed as personal estate and pass as such.
 Stock to be personal estate. § 8. This act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 428.

AN ACT to amend an act, entitled "An act to reduce into one the several acts in relation to the town of Taylorsville."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Taylorsville shall have power to assess and collect annually an ad valorem tax not exceeding twenty-five cents on each one hundred dollars of money, choses in action, notes, or other evidences of debt, which may be owned or possessed by any resident tax-payer of said town over and above his or her just debts.

§ 2. That this act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 429.

AN ACT to amend an act to amend the charter of the town of Hartford, approved 2d March, 1867.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the boundary of said town limits of Hartford be, and the same are hereby, altered so as to exclude from said corporate limits the property situate between the northern boundary line of the original four hundred acre survey and Rough creek, and now owned by the following persons, to-wit: Moore & Wise, Samuel E. Hill, A. B. Baird, Potter & Condett, Charles Lee, O. P. Johnson, and Mrs. Hester Miller.

§ 2. This act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 430.

1874.

AN ACT to amend an act, entitled "An act to incorporate the city of Mayfield."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That for the purpose of keeping the streets repaired and in good order, the city council shall have power to levy a poll-tax, not exceeding two dollars, on all males of the city from eighteen to fifty years old, to be levied, assessed, and collected as other taxes in said city.

§ 2. That the boundary or corporate limits of the city of Mayfield be, and the same are hereby, extended as follows: beginning at a stake one half mile east of the southeast corner of said city; running thence north three fourths of a mile to a stake; thence west one and a half miles to a stake; thence south one mile to a stake; thence east one and a half miles to a stake; thence north to the beginning.

§ 3. That all lands which may be included in the above extension of the corporate limits of the city of Mayfield, which shall be used exclusively for farming purposes, shall not be subject to taxation for city purposes.

§ 4. This act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 431.

AN ACT to amend an act, entitled "An act to incorporate the Evansville and Jackson Railroad Company," approved March 28, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section two of the act to which this is an amendment be amended by striking out all of said section after the words "as a natural person;" also that the word "seven" in section six be stricken out, and the words "not less than seven nor more than thirteen" substituted therefor; also that section seven of said act be so amended as to allow the directors to elect, as secretary and treasurer, some suitable person or persons not belonging to the board of directors; also that section twenty-six of said act be amended by striking out the words "from any point south of the city of Henderson."

Amendment to second section, original act.

Treasurer and secretary may be elected from outside board.

§ 2. *Be it further enacted,* That sections twenty-seven and twenty-eight of the act to which this is an amendment be, and the same are hereby, repealed; but in lieu of said section twenty-eight the following is substituted:

Sections 27 & 28 of former act repealed, and this in lieu.

1874. "said company shall be subject to and governed by the General Statutes of this State relating to and governing railroad corporations."

Route of road.

§ 3. *Be it further enacted*, That the Evansville and Jackson Railroad Company may construct their road from Dixon's ferry or its vicinity, on the Ohio river, opposite the city of Evansville, Indiana, by way of the city of Henderson, to any point on the line of the State of Tennessee west of the Tennessee river: *Provided*, That the gauge of said road between the starting point and the city of Henderson shall be four feet eight and a half or nine inches, and none other, until said company have prepared their road-way ready for the iron to Tradewater river, and have procured the necessary iron to lay the track on the same, and are ready, in good faith, to lay the track to said Tradewater river, then said company may commence at the starting point and lay down a five-foot track continuously to the line of the State of Tennessee. The track between the starting point and the city of Henderson first provided for in this section to be and remain four feet eight and a half or nine inches gauge: *And provided further*, That if said company so desire they may construct a three-foot track on any or all of their line of road, in addition to or in lieu of the five-foot track above authorized, or they may lay a track of four feet eight and a half or nine inches in lieu of any or all of said five-foot track: *And provided further*, That said company shall not have the right to run on, nor the right to run over, nor the right to contract with any railroad company whose road is now built to the city of Henderson to run on or over their track a greater distance than two miles south of the city of Henderson: *Provided*, That no tax shall be imposed upon the people on the line of said road from the city of Henderson to Dixon's ferry.

Title road
changed.

§ 4. *Be it further enacted*, That the present name and style of the company be, and is hereby, changed to that of Evansville, Jackson, and New Orleans Railroad Company.

§ 5. *Be it further enacted*, That this act shall take effect from and after its passage.

Approved February 21, 1874.

CHAPTER 432.

1874.

AN ACT for the benefit of the Paducah Savings Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act amending an act incorporating the Paducah Savings Bank, approved March 28, 1872, be, and the same is hereby, re-enacted: *Provided*, Said corporation shall be organized within one year from the first day of April, 1874.

§ 2 This act shall take effect from its passage.

Approved February 21, 1874.

CHAPTER 433.

AN ACT to incorporate Harmony Lodge, No. 125, Independent Order of Odd Fellows, at Hamilton, in Boone county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That M. M. Black, W. W. Garnett, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Harmony Lodge, No. 125, Independent Order of Odd Fellows; and they and their associates and successors shall so continue and have perpetual succession; and by that name, are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure. They may make and ordain regulations and by-laws for their government, and those now in force in said Lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the Constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act of the Legislature of Kentucky, approved February 16th, 1838, nor in contravention of the Constitution and laws of the United States or of this State.

§ 2. That the said corporation shall have power and authority to acquire and hold real estate, not exceeding in value ten thousand dollars, and, from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds.

§ 3. That the right to alter, amend, or repeal this act is hereby reserved to the General Assembly of Kentucky.

§ 4. This act to take effect from and after its passage.

Approved February 21, 1874.

1874.

CHAPTER 434.

AN ACT to amend an act, entitled "An act to incorporate the Mt. Sterling Coal Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Menifee county
may take stock.

§ 1. That if the Mt. Sterling Coal Road Company shall, at any time within not less than sixty days before any regular election, but within five years from the passage hereof, through its proper officers, request the county judge of Menifee county to subscribe, upon specified conditions, a specific amount to the capital stock of said company, the county judge aforesaid may forthwith assemble the members of the county court, to ascertain whether a majority be in favor of the submission of said proposition; and if a majority of the county court justices assent thereto, it shall be the duty of the county judge forthwith to order a poll to be opened at the several voting places in said county, at the next regular election, to take the sense of the qualified voters of said county upon the proposition to subscribe for stock in said Coal Road Company, under the direction of and by the same officers appointed to conduct the said regular election; and of the opening of said poll notice shall be given as is required in the case of other elections: *Provided, however,* That said county shall in no event subscribe a greater sum to the capital stock of said road company than forty thousand dollars.

County judge of
Menifee, if stock
voted, to sub-
scribe stock, &c.

§ 2. That the board of examiners of said county, when counting the vote of said county as now provided by law, shall count also the vote provided to be taken in the first section hereof; and if it shall appear that two thirds of the qualified voters of said county voted in favor of the subscription of stock as proposed, the county judge shall order the result of the vote to be entered on the record, and a subscription to be made by the clerk on behalf of the county on the terms, and in the amount specified in the order submitting the question to a vote, not exceeding the amount before specified; and it shall be the duty of the county court to make proper and timely provision for the payment of the subscription so made in the bonds of said county, and the interest thereon.

To be paid in
bonds of county.

§ 3. The subscription by said county to said road shall be paid in the bonds of said county, in denominations of not exceeding one thousand dollars each, bearing a rate of interest, payable annually, not exceeding ten per cent.; and no bonds shall be issued payable in less than ten years, nor shall any of said bonds be issued until said road is graded, and ready for the iron thereon, to the Menifee county line; and none of said bonds, when de-

livered to said company, shall be sold by said company at a greater sacrifice than ninety cents to the dollar. Upon the making of the subscription aforesaid, the county aforesaid shall be entitled, through the county judge thereof, to one vote in elections of directors of said road, and in stockholders' meetings held for any purpose for each fifty dollars of stock included in the amount of said subscription; and said county shall be entitled to the dividends of said company in the same proportion as the other stock in said road. No mortgage shall ever be given upon said road, except for a bona fide debt thereof, nor until all the available subscriptions thereto are paid. 1874.

§ 4. The quantity of land which said company may acquire shall in no event exceed ten thousand acres in any one county; and the maximum rate for carrying freights on said road shall never exceed that of other roads in this State; and the time of payment of the subscription by the county, the amount and conditions thereof, the rate of interest, and the maturity of bonds, shall all be included in the proposition submitted to the vote of the people. Quantity of land the county may acquire—rate of freights.

§ 5. Upon the application, in writing, by the said Mt. Sterling Coal Road Company, through its proper officers, expressed to the mayor of the city of Lexington, the mayor and board of councilmen of said city may, by proper ordinances and proceedings, pledge the credit of the said city to and guarantee the payment by said city of the mortgage bonds of said Mt. Sterling Coal Road Company, and interest thereon, to an amount not exceeding fifty thousand dollars in principal, upon such terms and conditions, and subject to such limitations, as may be made, expressed, and agreed upon in a written contract between said city and said Mt. Sterling Coal Road Company, which agreement shall be recorded in the clerk's office of the county court of Fayette county; and said company shall not afterwards issue its bonds to an amount greater than one hundred thousand dollars in all, including those already issued, unless with the consent of said city, as expressed by its mayor and board of councilmen. Lexington may take stock.

Approved February 20, 1874.

CHAPTER 435.

AN ACT for the benefit of common schools in Marshall, Livingston, and McCracken counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the common school commissioners of Marshall, Livingston, and McCracken counties shall each be,

1874.

and he is hereby, authorized and empowered to draw from the State Treasury the amount and bonded surplus of school fund in the State Treasury to the credit of his county, upon being directed so to do by order of his county court; but before such order shall be made by court, the commissioner shall execute covenant to the Commonwealth, with surety worth at least double the amount to be drawn, that he will safely keep, invest, or pay out, or otherwise dispose of said fund for common school purposes in his county as the court of claims for his county may order; which covenant shall be executed in and approved by the county court, and filed in the clerk's office of said court; and for any breach of the bond the county court, or any person or persons aggrieved, may maintain an action thereon.

§ 2. Upon the written order of the commissioner, accompanied by a copy of the order of his county court directing him to draw said fund, it shall be the duty of the Auditor to draw his warrant upon the Treasurer for the full amount of such surplus due or belonging to the county of the commissioner so ordering the same.

§ 3. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 436.

AN ACT to incorporate the German Mutual Fire Insurance Company of Covington.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names and style; may sue and be sued, &c.

§ 1. That J. S. Voss, Henry Drexelius, Conrad Ackerman, Henry Kassen, Henry Steinriede, J. H. Myers, Henry Wenzel, Karl F. Benndorf, George Welling, Charles Asmann, Bernard Hegge, Ernst Fabra, Paul Schmidt, Jacob Lang, Bernard Axer, and Paul Gstrein, and their associates, successors, and assigns, be incorporated under the name German Mutual Fire Insurance Company of Covington; and by that name shall have perpetual succession, may sue and be sued, implead and be impleaded; may have a common seal, and alter the same at pleasure; make contracts, acquire and transfer property, establish by-laws, and make all rules and regulations deemed expedient for the management of their affairs, not inconsistent with the Constitution or laws of this State or of the United States.

Insurance houses, &c

§ 2. That it shall be lawful for said corporation to insure houses, buildings, and all other kinds of property against loss or damage by fire, whether the same shall happen by accident, lightning, or other means, excepting

that of design in the insured, or by invasion of an enemy or insurrection of the citizens of this or any of the United States, and generally to do and perform all other matters and things proper to promote this object. 1874.

§ 3. That every person who shall at any time become interested in such company by insuring therein, and also their respective heirs, executors, administrators, and assigns, continuing to be insured therein, as hereinafter provided, shall be deemed and taken to be members thereof for and during the terms specified in their respective policies, and no longer, and shall at all times be concluded and bound by the provisions of this act.

Persons insuring regarded members.

§ 4. That every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum of money as shall be determined by the directors, a part, not less than twenty per cent. of which said note, shall be immediately paid, for the purpose of discharging the incidental expenses of said company; and at the expiration of the term of insurance the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof.

Members insuring to execute notes.

§ 5. That every member of said company shall be, and is hereby, bound and obliged to pay his portion of all losses and expenses happening or accruing in and to said company to the amount of his or her deposit note; and all buildings insured by and with said company, together with the right, title, and interest of the insured to the lands on which they stand, shall be pledged to said company; and said company shall have a lien thereon against the insured during the continuation of his, her, or their policies.

Members to pay losses.

§ 6. That in case of any loss or damage by fire, happening to any member upon property insured in and with said company, the said member shall give notice thereof, in writing, to the directors, or some one of them, or the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same, or in such other ways as they may deem proper, shall ascertain and determine the amount of such loss or damage; and if the party suffering is not satisfied with the determination of the directors, the question may be submitted to referees, or the said party may bring an action against said company for the loss or damage: *Provided*, Said action shall be commenced within three months from said determination.

Members' losses by fire, how paid.

§ 7. That the directors shall, as often as they deem necessary, after ascertaining the loss or damage by fire sustained by any member, or after the rendition of any

Mode of settling losses.

1874.

judgment against said company for such loss or damage, settle or determine the sums to be paid by the several members thereof, as their respective portions of such loss, and publish the same in such manner as the by-laws may prescribe; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer of said company within thirty days next after the publication of said notice; and if any member shall refuse or neglect to so pay the sum assessed against him, her, or them as his, her, or their proportion of any loss aforesaid, in such case the directors may sue for and recover the whole amount of his, her, or their note or notes, with costs of suit; and the money thus collected shall remain in the treasury of the company, subject to the payment of such losses and expenses as have or may thereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected on demand, after thirty days from the expiration of the term for which the insurance was made. If the whole amount of the deposit notes shall be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company shall receive, towards making good their respective losses, a proportional share of the whole amount of said notes, according to the sums by them respectively insured; but no member shall ever be required to pay for any loss occasioned by fire more than the whole amount of his deposit note.

Insure for five
years. Policies,
how signed, &c.

§ 8. That said company make insurance for any term, not exceeding five years; and any policy of insurance issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding by said company, in all cases when the insured has a title in fee-simple unencumbered to the building or buildings insured, and to the lands covered by the same; but if the insured have a less estate therein, or if the premises be encumbered, the policy shall be void, unless the true title to the insured, and the encumbrance of the premises, be expressed therein and in the application thereof.

Payment of losses
to be in three
months after
notice.

§ 9. That the directors shall settle or pay all losses within three months after they shall have been notified as aforesaid; but no allowance shall be made in estimating the damages in any case for gilding, historical or landscape painting, stucco, or carved work.

Sale of property,
and canceling
policies.

§ 10. That when any house or building shall be alienated, by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be canceled; and upon such surrender the insured shall be entitled to receive his, her, or their deposit note upon

the payment of his, her, or their proportion of all losses and expenses that have accrued prior to such surrender: *Provided*, That the alienee or grantee having the policy assigned to him may have the same satisfied or confirmed to him for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said directors for such portion of the deposit or premium notes as remain unpaid; and by such ratification and confirmation the party causing the same shall be entitled to all the rights and privileges, and subject to all the liabilities, to which the original party insured was entitled and subject under this act.

1874.

§ 11. That if any alteration shall be made in any house or building by the proprietors thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured, then, and in every such case, the insurance made upon such house or building shall be void, unless an additional premium or deposit note, after such alteration, be settled with and paid to the said directors or their agents; and it is hereby made obligatory upon said directors or their agents, after due notice of said alteration shall have been given by said proprietors, and after the same shall have been accepted by the said directors or their agents, to fix without delay the amount of said additional premium and deposit note; but no alteration or repairs in building not increasing such risk or hazard, shall in anywise affect insurance previously made thereon.

In case of addition to property, insured must pay or forfeit insurance.

§ 12. That if any buildings situated upon leased lands, and insured by said company, be destroyed by fire, in such cases the directors may retain the amount of the premium note given for insurance thereof till the time for which insurance was made shall have expired; and at the expiration thereof the insured shall have a right to demand and receive such part of said retained sum or sums as have not been expended in losses and assessments.

Insurance not paid, when parties owe notes, till due

§ 13. That if insurance on any house, building, or property, shall be and subsist in said company, and in any other office, or from and by any other person or persons at the same time, the insurance made in and by said company shall be deemed void, unless such double insurance subsist with the consent of the directors or agents signified by indorsement on the back of the policy, signed by the president and secretary.

In case of insurance with other companies, notice must be given.

§ 14. That no policy of insurance shall be issued by said company until bona fide premium notes to the amount of twenty thousand dollars, which notes shall be

No insurance to issue till \$20,000 secured.

1874. predicated upon property to be insured, and shall not exceed twenty per cent. of the amount sought to be insured; and in addition thereto, said company shall be in actual possession of at least two thousand dollars.

May invest
capital in bonds
and real estate.

§ 15. That it shall be lawful for said company to invest its capital and the funds accumulating in the course of its business, or any part thereof, in bonds and mortgages on unencumbered real estate in the State of Kentucky, worth fifty per cent. more than the sum loaned thereon, exclusive of buildings, unless such buildings are insured and the policies transferred to said company, and also in bonds of the United States, or of any county or incorporated city of this State, authorized to be issued by the Legislature, and to lend the same, or any part thereof, on the security of such bonds, or upon bonds and mortgages as aforesaid, and to change and reinvest the same as occasion may, from time to time, require.

How affairs to be
managed, and by
whom.

§ 16. That the affairs of said company shall be managed by twelve directors, all of whom shall be members. They shall choose by ballot a president and vice president from their own number, and shall fill all vacancies that may arise in the board or in the presidency thereof. They shall have power to appoint a treasurer and secretary, and other officers or agents necessary for transacting the business of the company, paying such salaries and taking such security as they may think reasonable. They may establish, ordain, and publish such by-laws and regulations as shall appear necessary to them for conducting the business of the company; and it shall be their duty to keep full and correct entries of their transactions, which shall, at all reasonable times, be open to the inspection of the members.

Elections to be in
Covington, and
by ballot.

§ 17. That the annual meeting for the election of directors shall be in the city of Covington, Kentucky, on the first Monday of May. All elections shall be by ballot, and each member entitled to one vote in person or by proxy. A plurality of votes shall be necessary for a choice.

Principal office,
Covington.

§ 18. That the principal office of said company shall be in the city of Covington, Kentucky. All existing laws of this State in relation to insurance companies shall not be applicable to or affect said company.

§ 19. That this act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 437.

1874.

AN ACT for the benefit of the assessor and county court clerk of Henry county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the further time until the twentieth of May next shall be allowed George Patty, assessor of Henry county, to return his tax-book ; and the further time until the twentieth of June be given the county clerk to deliver his tax-book to the sheriff, and transmit copy and sheriff's receipt to Auditor.

§ 2. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 438.

AN ACT to incorporate the Farmers' Exchange Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That there is hereby established the Farmers' Exchange Bank, to be located at the town of Winchester, in Clark county, with a capital of one hundred thousand dollars, with the privilege of increasing the same to one hundred and fifty thousand dollars, in shares of one hundred dollars each, to be subscribed and paid for by individuals, companies, and corporations, in the manner hereinafter specified ; which subscribers and shareholders, their successors and assigns, are hereby created a body-politic and corporate, by the name and style aforesaid, and shall so continue a body-politic and corporate until the first day of June, nineteen hundred ; and by that name, under the restrictions hereinafter prescribed, shall be competent to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts and places, and in all matters whatever as natural persons ; with full power to acquire, hold, possess, use, occupy, and enjoy, and the same to sell, convey, and dispose of, all such real estate, goods, effects, and chattels, as shall be convenient for the transaction of its business, provided the value thereof shall not exceed fifteen thousand dollars, or which may be conveyed to said institution as surety for any debt, or which may be received in discharge of any debt or purchase in satisfaction of any judgment or decree in its favor, or in the purchase of any property on which it may have a lien ; and said institution may have and use a common seal, change, alter, and renew the same at pleasure ; and

Capital stock \$100,000, may be increased to \$150,000, in shares of \$100 each.

May sue and be sued, &c.

1874.

may ordain and put in execution such by-laws and regulations for the government of the same as may be deemed necessary: *Provided*, They be not contrary to the Constitution and laws of this State or the United States.

May receive deposits & provide mode and manner of payment.

§ 2. That the business of the institution shall be to receive money on deposit upon which it may pay an interest to the depositor of not more than six per cent. nor less than two per cent. per annum, as it may contract, dependent upon the length of time for which said deposit may be made; to loan money, discount promissory notes and bills of exchange. The promissory notes made negotiable and payable to this or any other banking institution of this State, and notes negotiable and payable at and indorsed to and discounted by said institution, shall be, and they are hereby, put upon the same footing as foreign bills of exchange; and remedy may be had jointly and severally against the drawers and indorsers, and with like effect, except as to damages, and except that in a regular course of administration they shall have no other or greater dignity or priority of payment than other notes. And the said institution shall not directly or indirectly deal or trade in anything except loaning of money and exchange, and in gold or silver coin or bullion, or in the sale of goods, chattels, rights, and credits, really and truly pledged for money lent and not redeemed in time, or goods which shall be the proceeds of its loans.

Liabilities not to exceed capital stock.

§ 3. The institution shall not at any time owe, either by bond, bill, note, or other contract, any amount exceeding the capital stock actually paid in, exclusive of sums due on deposit; and in case of excess, the president and directors under whose administration it shall have taken place, shall be liable for any or all the debts of said institution, in their individual capacities, by joint and several actions of debt against them, or any of them, their heirs, executors, administrators, in any court having jurisdiction thereof, by any creditor or creditors of the same, and shall be prosecuted to judgment and execution, any condition or agreement to the contrary notwithstanding: *Provided*, That if the president, or any of the directors, may be absent when the excess may be contracted or created, or being present, shall dissent from the act by which the excess is about to be contracted or created, he or they shall not be liable under this section.

Liable to damage on failure to pay deposits, &c.

§ 4. Said institution shall not at any time fail or refuse to pay its deposits and accrued interest as aforesaid, if any, in gold or silver or currency of the value of that deposited; and in case the officers, in the usual business hours, at their banking-house, shall refuse or unreasonably delay payment as aforesaid, then demandable by any person entitled to receive the same, said institution

shall be liable to pay damages, at the rate of twelve per cent. per annum, on the amount thereof, from the time of such failure or refusal or delay until payment thereof; and for such failure or refusal to pay such deposits the charter shall be forfeited. 1874.

§ 5. That the real and personal estate, business, property, funds, and prudential concerns of said institution, shall be under the direction of and control of seven directors, who shall be stockholders, and (after the first election) shall have been stockholders at least three months previous to their election; they shall be residents of the State, and citizens of the United States, and after the first election they shall be elected annually on the second Monday in January. Each director shall be a stockholder in his own right; they shall hold their offices for one year, and until their successors shall be chosen; all elections after the first shall be conducted by two at least of the stockholders, acting under oath, appointed by the directors. The stockholders so appointed shall give at least thirty days' notice of the time and place of said election. The election shall be by plurality of votes, to be counted and read in public after they are taken. No director or officer of any bank shall be eligible as director in this institution; and any director becoming a director or officer of a bank, or while under protest in this institution for the non-payment of debt, shall be held to have vacated his office; nor shall two partners in trade, nor shall one partner while another is a director in a bank, be eligible as director in this institution at one and the same time. If, from any cause, an election should not be held on the day fixed by this charter, it shall be the duty of the board to give notice immediately, as before required, that an election will be held on the first Monday of the succeeding month; and said election shall be conducted as required in the regular elections.

Seven directors to control affairs.

§ 6. That at all meetings of the stockholders, and at all elections under this charter, each shareholder shall be entitled to one vote for every share held in his own right; but after the first election no share shall entitle the holder to a vote, unless the same has been held by the person claiming to vote, at least three months prior to the time, and so appear on the books of the institution. Any stockholder entitled to vote may do so in person or by proxy, such proxy being granted to a stockholder who is not either president, director, or other officer in the same; and no person who is not a citizen of the United States shall be permitted to vote on his stock.

Mode of electing directors by stockholders.

§ 7. That the directors shall select one of their own number as president, who shall preside at all meetings; and in case of a vacancy in said office, the residue of the

President to preside.

1874.

Clerks and servants to be chosen.

directors shall elect a president *pro tem*. They shall fill all vacancies which may occur in their own body, and shall appoint such officers, clerks, and servants as deemed expedient, fix their compensation, define their powers, and prescribe their duties, and shall require of them such bonds, penalties, and securities as deemed requisite for the security of the institution, which bonds shall be examined at least once a year, and be renewed from time to time, so as to secure the institution from loss; and all such officers shall hold their places during the pleasure of the board.

Four to constitute quorum.

§ 8. The president and directors, any four of whom may constitute a quorum for the transaction of business, may, from time to time, make such by-laws, rules and regulations, for the government of the institution, as deemed expedient, not contrary to the provisions of this charter, or by-laws and rules which the stockholders, at their annual or other meetings, may, from time to time, prescribe: *Provided*, For that purpose a concurrence of a majority of all the directors shall be necessary.

Regular meetings to be held.

§ 9. The president and directors shall have stated meetings at least once a month, and called meetings may be had whenever deemed necessary. All questions before the board shall be taken *viva voce*, and the yeas and nays on any proposition submitted shall be entered of record, at the request of any member; and no vote shall be reconsidered when a less number is present than when the vote was given.

Taxes to State, how paid.

§ 10. It shall be the duty of the president, on the first day of January in each year, to pay to the Treasurer of this State fifty cents on each one hundred dollars of stock held and paid for in said institution, which shall be in full of all State tax or bonus.

Examination every 3 months to be made.

§ 11. That it shall be the duty of the president and directors, and they are hereby required, as often as once every three months, to cause a strict examination to be made of the cash and cash account of the institution, and a full and complete statement shall be made out and entered on the journal of the proceedings of the board.

Officers not to engage in any other business.

§ 12. That it shall not be lawful for the cashier, clerks, teller, or other subordinate officers, either directly or indirectly, to engage in or carry on any other business than that of said institution, without the special leave of the president and directors.

Officers liable to prosecution for malfeasance.

§ 13. That if the cashier, clerks, teller, agent, or other officer shall, without the authority of the president and directors, appropriate any of the funds of said corporation to his own use, or that of any other person, or shall willfully fail to make correct entries, or shall knowingly make false entries on the books of the institution, with

intent to defraud or cheat the corporation or any other person, to hide or conceal any improper appropriation of the funds, the officer so offending shall be deemed guilty of felony, and shall, upon conviction thereof, be sentenced to confinement in the penitentiary of this State for a period of not less than two nor more than five years.

1874.

§ 14. The president and directors shall keep a record of their proceedings, which they shall produce to the stockholders when by them demanded at any regular meeting.

Record of proceedings to be reported when demanded.

§ 15. The president, cashier, and other officers, before entering upon the discharge of their respective duties, shall take an oath before some judicial officer faithfully, honestly, impartially, and to the best of their skill and judgment, to discharge all the duties of their respective offices under this charter, or which may be required of them by the by-laws, rules and regulations, of the corporation.

Officers to be sworn.

§ 16. This institution shall not contract for or receive a greater rate of interest, including exchange, than is now allowed by law.

Interest to be paid.

§ 17. The president and directors shall issue certificates of stock to the holders thereof for so much as shall be paid for; and the shares of capital stock shall be considered and held in law as personal property, and assignable and transferable only in such manner and at such place as the president and directors shall, by their by-laws, prescribe. Certificates of deposit shall be obligatory on said institution, and shall be transferable or assignable when made payable to order.

Certificates of stock, how issued

§ 18. The general meeting of the stockholders shall be held annually, on the second Monday in January in each year, in the town of Winchester, at the time of the annual election, to which meeting the president and directors shall present an accurate statement of the condition and affairs of the institution; and general meetings of the stockholders may be called as provided in this charter, or by the president and directors when they deem it desirable, or by any number of stockholders the by-laws shall require.

Annual meeting of stockholders.

§ 19. The Legislature shall have the right to investigate the situation and affairs of said institution by any committee they may appoint for that purpose.

Legislature may investigate condition.

§ 20. That John W. Prewitt, John Evans, S. F. Tebbs, Robert E. Bush, James R. Wornall, G. R. Snyder, Columbus Thompson, V. W. Bush, James D. Gay, and Robert N. Winn, are hereby constituted commissioners to open books and receive subscription for the capital stock of said institution, and to superintend the election of the first board of directors, any four of whom shall be com-

Commissioners to open books for stock.

1874. petent to exercise the powers and perform the duties required by this section.

Notice to be given of taking of stock.

§ 21. The said commissioners shall have power and they are authorized and required, on the second Monday in April next, or at such other time, within two years thereafter, as they shall deem expedient (having given not less than thirty days' notice thereof in some newspaper in Winchester), to open books for the subscription of the capital stock of said institution at Winchester, and such other places as they may deem advisable, and cause said books to be kept open from ten o'clock, A. M., until two o'clock, P. M., for at least ten days, or until at least two hundred and fifty shares shall have been subscribed, when the same may be closed; and if more than one thousand shares shall have been subscribed by individuals, companies, and corporations, the commissioners shall deduct the excess in such manner that no subscription shall be reduced, and leave the subscription of another larger.

Books for stock to be reopened unless whole amount is subscribed.

§ 22. That if the whole one thousand shares of capital stock shall not be taken when the books shall first be opened, the president and directors may cause the books to be opened at any time and place they may direct, giving thirty days' notice thereof in some newspaper, and cause them to be kept open not less than ten days, or until the whole of the balance of the stock shall have been taken; and the president and directors may require such premiums on the stock sold at the reopening of the books as they shall deem right, and such premium shall be the property of the institution.

Time of election of directors.

§ 23. That when not less than two hundred and fifty shares of the capital stock shall have been taken and the commissioners shall have closed the books, it shall be their duty to give notice to the stockholders, and appoint a day, in Winchester, for the election of the first board of directors, who shall hold their offices until the succeeding annual election. And not less than ten nor more than thirty days' printed notice thereof, as aforesaid, shall be given of the time and place of electing said board; and at least four of said commissioners shall act as inspectors of said election, and shall take the proper oath and perform all the duties of inspectors of election in like cases.

Mode of paying subscriptions.

§ 24. That the payment of the shares of the capital stock held by individuals, companies, and corporations, shall be made at the time and in the manner following, viz: ten dollars on each share to the commissioners at the time of subscribing, and ten dollars on each share within ten days after the election of the first board of directors, and

ten dollars every twenty days thereafter until the whole amount of said stock is paid in: *Provided*, That the board shall have power to prolong the time for the payment of each installment after one half of the amount of each share shall have been paid. 1874.

§ 25. That should any of the subscribers to the stock of said institution fail or refuse to pay for their stock, as herein provided, the president and directors first giving public notice in two or more newspapers for the space of thirty days, by resolution entered on the records, may forfeit such stock, and proceed, at such time as they may deem expedient, to resell the same; and all partial payments made on any stock which shall be forfeited shall be sold for the benefit of such stockholders. Stock not paid may be forfeited on notice.

§ 26. That said corporation may commence business so soon as ten thousand dollars shall have been paid in and the president first elected shall have made oath to the fact of such payment before the county judge of Clark county, who shall cause the same to be entered of record on the order-book of the Clark county court. To commence when \$10,000 is paid.

§ 27. This act shall be in force from its passage: *Provided*, An organization is effected within two years from its approval by the Governor; but if no organization is effected within the above specified time, this act shall be void. The Legislature reserves the right to alter, modify, or repeal this act at pleasure. Must organize in two years.

Approved February 23, 1874.

CHAPTER 439.

AN ACT for the benefit of John H. Carrier, late jailer of Laurel county.

WHEREAS, It appears to the satisfaction of this General Assembly that Esom Bowling, charged with murder, and Washington Nunn, charged with grand larceny, were confined in the Laurel county jail, and, without any negligence on the part of John H. Carrier, then jailer, effected their escape from said jail, the jail being a good jail; and whereas, said Carrier, fearing that said prisoners could not be again arrested and a conviction had unless a reward was then offered, offered a reward of two hundred and twenty-five dollars, which secured the arrest and delivery of said prisoners to the said jailer, and they were afterward convicted on said charge and sent to the State penitentiary, and the said Carrier paid the reward aforesaid; for remedy whereof,

1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant on the Treasurer in favor of John H. Carrier for two hundred and twenty-five dollars, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act shall be in force from its passage.

Approved February 23, 1874.

CHAPTER 440.

AN ACT to incorporate the Kentucky Odd Fellows' Insurance Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names — body politic and corporate.

§ 1. That P. H. Leslie, Rev. N. G. Terry, W. H. Botts, J. R. Pedego, E. Morris, J. C. Evans, T. E. McDonnald, Lewis McQuown, A. M. Depp, R. B. Evans, Clarence Wood, C. E. Boles, W. J. Bradford, N. Smith, and J. F. Montfort, and their successors, be, and they are hereby, created a body-corporate, under the name of "Kentucky Odd Fellows' Insurance Company;" to have perpetual succession; with the right to obtain, hold, sell, and convey, and dispose of such real and personal property as may be necessary to carry out the objects of this charter; and to make and retain their capital stock to the amount of one hundred thousand dollars, with power to confer charities as herein provided, or as the company may determine; and may make contracts that shall be binding, sue and be sued, make and transact all business in its corporate name for its corporate purposes; and to use a common seal, renewable and changeable at pleasure; and may make by-laws for its government, not inconsistent with the purposes of this charter or with the laws of the land.

Capital \$100,000.

Corporators named may organize.

§ 2. The persons herein named, or a majority of them, may constitute a board to do business, and may proceed at pleasure to organize fully and to receive members only of sound and healthy Odd Fellows of Kentucky, under sixty-five years of age, in good standing in their Lodges, and acceptable to the board.

Mode of becoming members.

§ 3. Each person, upon becoming a member, shall pay into the Treasury of the company, according to their respective ages, as follows, to-wit: from the age of twenty-one years to thirty years, six dollars; from the age of thirty years to forty years, ten dollars; from the age of forty years to fifty years, fifteen dollars; from the age of fifty years to sixty years, twenty dollars; from the age of sixty years to sixty-five years, twenty-five dollars, which

amounts, when received into the treasury, to become a permanent fund of the company, which, with the other qualifications prescribed, shall entitle him to membership for life, or during good behavior; but he may be expelled for any disgraceful or immoral conduct or violation of such by-laws as may not be inconsistent with this charter.

1874.

§ 4. The number of members may be increased to and retained at five thousand, and the membership fees paid into the treasury by each for a permanent fund may be invested in such stocks, bonds, or property as the company by its board may direct.

Number of members may be increased and retained at 5,000.

§ 5. Upon the payment of the membership fees named in the third section of this act, the company shall cause such certificates of membership to be given to the member paying it, upon the plan of mutual life insurance policy, with stipulations according to the terms of this charter, and according to such by-laws as they may make and publish not inconsistent herewith.

Members' fees, when paid, entitled to certificate.

§ 6. When the membership of said company shall reach one thousand members, the company, through their directors, shall have the power to increase the membership fee twenty-five per cent., and when it shall reach twenty-five hundred members they may increase the membership fee mentioned in section third of this act fifty or one hundred per cent.

Manner of increasing membership.

§ 7. All applicants for membership shall be examined by some practicing physician, who shall be appointed by the board, or its authorized agent, who shall be entitled to a fee of two dollars, to be paid by the applicant, if he is accepted as a member of said company, and if the applicant is rejected, the fee to be paid by the company. The medical examiner shall write his certificate on the application giving his opinion, as medical examiner, as regards the health and condition of the applicant, and whether he believes it would be safe to accept the applicant for membership.

Applicants to be examined.

§ 8. All applications for membership shall be accompanied with the membership fee, together with one dollar additional policy fee.

Fees must accompany membership

§ 9. In addition to the permanent fund, upon the notification of the death of a member, each surviving member shall pay into the treasury one dollar and twenty cents; one dollar of which from each member to constitute a fund to be paid for the benefit of the widow and children of the deceased member, and the balance to defray the expenses of the company.

How policies to be paid.

§ 10. The fund created in section nine for the benefit of the widow and children of the deceased members

Widows and children, now paid.

1874.

shall be paid to them by said company, as soon as it can be collected, or to their trustees, in the discretion of the company, subject, however, to be appropriated for their benefit equally, according to the will of the deceased member; or if he should leave no widow or child, then to be appropriated according to his will; or if he makes no will, and leaves no widow or child, it shall vest and remain in said company, and be added to its capital stock, or appropriated, as they may deem expedient.

Stock not liable
for debts.

§ 11. No part of the stock or interest that any member, or his widow or children, may have in said institution, shall be subject to any debt, liability, or legal or equitable process against him, or any of them.

Glasgow location
of office.

§ 12. The office of the company shall be at Glasgow, Kentucky, and the organization shall there take place by the election of seven directors, to be chosen from the company, each member having one vote; and they, or a majority of them, shall elect from their body, or from members of the company, a president and such other officers as they may deem necessary for the transaction of business, to hold their office till the first Monday in January, 1875, or during good behavior, and until their successors shall be duly elected and installed; and all subsequent elections of officers shall take place on the first Monday in January every year; but should an election fail to be held at that time, or in case of vacancy in office, an election may at any time be held to fill any or all offices, upon first giving thirty days' notice to the members, by publication in some newspaper in Kentucky of the time and place of said election.

Election
of officers.

Vacancies—how
filled.

§ 13. Should any or all of said offices become vacant, and remain so for one year, or should no election be held within one year after the regular term of service shall have expired, any fifteen of the members of said company, in good standing, may reorganize as in the beginning, upon giving notice as is required in the twelfth section of this act.

Salaries of officers

§ 14. The board of directors may fix the salary of its officers, prescribe their duties, and the amount and condition of such bonds, as they may require of them; and do all other acts within the purview of this charter, and not inconsistent with law.

Officers *pro tem*.

§ 15. A majority of the directors alone, or three of them, with the president or vice president, shall constitute a quorum to do business, and in the absence of the president or vice president may appoint such officers *pro tem*.

Record of pro-
ceedings to be
kept.

§ 16. A full record of all the proceedings of the company shall be kept, subject at all times to inspection by its members and others interested.

§ 17. The officers of the company shall cause a full report of its condition and work to be published annually.

1874.

Proceedings to be published.

§ 18. The by-laws may regulate the time of all regular meetings of the board, and called meetings, the rules, manner and form of voting, and regulate all other business not inconsistent with this act; and may fix the rules and principles by which the company may try and expel a member, adjudicate upon his rights, duties, and forfeitures as a member of said company.

By-laws to regulate meetings, &c.

§ 19. No member shall in any way be personally responsible for any liability of the company; but the property of the company as a corporation alone shall be liable for all just claims against the corporation.

Members not responsible for liability of the corporation.

§ 20. If the board choose they may constitute agencies and branch offices anywhere in Kentucky.

Agencies and branch offices may be established.

§ 21. This act to take effect upon its passage.

Approved February 23, 1874.

CHAPTER 441.

AN ACT for the benefit of the Danville Classical and Military Academy.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. W. Grigsby, J. M. Meyer, J. E. Lee, C. E. Bowman, W. I. Junkin, Jos. McDowell, Jos. H. Thomas, R. D. Logan, T. B. Montgomery, J. H. Bruce, W. E. Keller, John S. Vanmeter, F. T. Fox, jr., John C. Whitlock, L. H. Blanton, Thomas H. Grundy, and J. K. Samral, and their successors, are hereby constituted a board of trustees, any seven of whom, that number constituting a quorum, in connection with J. L. Ford and C. H. Withrow, principals and proprietors of the Danville Classical and Military Academy, and their successors, shall have authority to prescribe the course of study in each department of said academy, and to grant certificates of proficiency and diplomas in suitable form, with appropriate seal, in any branch or branches taught in said academy.

§ 2. The said board of trustees, in conjunction with the principals and proprietors, are hereby authorized to adopt rules of discipline and by-laws for the government of said academy, and to prescribe a suitable uniform for the same.

§ 3. The said academy, with its grounds and appurtenances, so long as used for the purposes aforesaid, shall be exempt from all State, county, and municipal taxation.

§ 4. In case of the death, resignation, or refusal to act, of any of the trustees herein named, a quorum of the

1874. same, as constituted by this act, are hereby empowered to fill such vacancy or vacancies by election.

§ 5. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 444.

AN ACT to incorporate the town of Hamelton, in the county of Ohio.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Limits of corporation to be made by trustees and recorded.

§ 1. That there is hereby incorporated the town of Hamelton, with corporate limits to the same to be fixed by the trustees of said town, which shall be recorded in a book to be kept by them, and also recorded in the clerk's office of the Ohio county court, and may extend but shall not exceed one mile in any direction from the center of said town.

Five trustees to be elected.

§ 2. There shall be elected annually, on the first Monday in May, by the legally qualified voters, citizens of said town, five trustees for said town, who shall be styled Trustees of the Town of Hamelton, with perpetual succession, who, in their corporate name aforesaid, shall have power and capacity to sue and be sued, implead or be impleaded, grant and receive by their corporate name, and do all other acts as natural persons may do; and, as such, may make and enforce all needful by-laws and rules for the government and regulation of said town not inconsistent with the Constitution or laws of the State or of the United States; and they may do and perform all needful acts to promote and carry out the chief object of this corporation, to-wit: the improvement of said town and its good government. One of said trustees to be by them chosen shall be president of the board, but a majority may act.

Trustees may purchase ground for graveyard, &c., repair streets, &c.

§ 3. Said trustees shall have and use a common seal; may purchase and hold lots for a graveyard, church, and seminary, and provide for the improvement of the same; may have and hold, by purchase or devise, or by gift, land or other property for the benefit of said town; and shall establish and keep in repair all necessary streets and alleys in said town.

Police judge and marshal to be elected.

§ 4. There shall be elected biennially, on the first Monday in May, by the legally qualified voters, citizens of said town, a police judge and town marshal, to be styled Police Judge of Hamelton and Town Marshal of Hamelton; the police judge to have the same jurisdiction, power, and capacity, entitled to the same fees and emoluments, and subject to the same liabilities and responsi-

bilities, as a justice of the peace for Ohio county. The town marshal to have the same power and capacity, entitled to the same fees, and subject to the same liabilities, duties, and responsibilities as a constable for Ohio county. The police judge to be commissioned by the Governor of this State. The town marshal to execute bond in the Ohio county court, with security, to be approved by the court, with same conditions and penalties as the bond of a constable. 1874.

§ 5. All the officers herein mentioned shall be first duly sworn by some court or justice of the peace, that they will faithfully discharge the duties of their office before they proceed to act. All resignations of the same shall be to the Ohio county court, and all vacancies in the same, from any cause whatever, shall be filled by said court until the next election; and all officers may continue to act until their successors are qualified. All elections shall be held by a clerk to be appointed by the board, who shall certify the same to the Ohio county court; and said court, as to the police judge, shall certify to the Governor of this State. Officers to be sworn. Clerk to hold elections.

§ 6. Until the time for holding the first election, and until their successors shall qualify, the following shall be the officers of said town: William Hamelton, police judge; William Briggs, town marshal; John Tarrance, C. J. Lawton, jr., James McCoy, Wm. Hamelton, jr., and Jackson Hocker, as trustees for said town. First police judge, marshal, & trustees.

§ 7. This act shall take effect from and after its passage; but the Legislature reserves the right to change, amend, or repeal the same at any time; but in case of its repeal or the forfeiture of this charter, all debts due to or from the corporation shall be extinguished, and all property bought by or donated to said corporation, not disposed of, shall revert to the original donor or vendor. Legislature may amend, alter, or repeal charter.

Approved February 23, 1874.

CHAPTER 445.

AN ACT to incorporate the Chicago and South Atlantic Railroad Company of the State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thos. L. Jones, of Campbell county; Beriah Magoffin, of Mercer county; Robert Mallory, of Oldham county; W. H. Tandy, of Carroll county; John H. Moffit, of Trimble county; Robert H. Gayle, of Owen county; J. Stoddard Johnston, of Franklin county; Keene Richards, of Scott county; William Preston and S. S. Good- Corporators' names.

1874.

loe, of Fayette county; Thos. C. Bronston, of Madison county; Levi Jackson, of Laurel county; John Dishman, of Knox county, all of which said counties are situate in the State of Kentucky; Geo. C. Smith, Chas. M. Smith, Samuel T. Atwater, Robert Rae, Nicholas J. Vail, Cyrus McCormack, Potter Palmer, Frank Raner, Caleb Crosswell, H. H. Hilder, and James Musson, of Cook county, State of Illinois; Wm. T. Haymond, of White county, Indiana; and James H. Stewart, of Carroll county, Indiana, or such of them as shall act, are hereby appointed commissioners; and they and their associates and successors are created a body-politic and corporate, for the purpose of constructing a railroad, commencing at a point on the Ohio river, not farther east than the county of Carroll, nor farther west than the county of Oldham; thence extending southward, through the counties of Carroll, Owen, Scott, Fayette, Clark, Madison, or Estill Jackson, Clay, Knox, and Bell, or through the counties of Oldham or Trimble, Shelby or Henry, Franklin, Anderson, or Woodford, Mercer or Jessamine, Boyle or Garrard, Lincoln or Rockcastle, Laurel and Whitley, to the line between Kentucky and Tennessee, or by either or both these routes: the object being to construct a main road from the Ohio river to some point in Laurel or Clay county; and from thence to divide into two branches, one to extend to and through Cumberland Gap to Morristown, in the State of Tennessee, and the other to and through Wheeler's Gap to Knoxville, in the State of Tennessee, in the most direct and practicable routes. The road to form a portion of a grand through line from the city of Chicago, in the State of Illinois, to the South Atlantic coast.

Corporate name. § 2. The style and name of the corporation hereby created shall be "The Chicago and South Atlantic Railroad Company of the State of Kentucky."

Capital stock §12,000,000. § 3. The capital stock of said company shall be twelve (12) millions of dollars, to be divided into shares of fifty dollars each; and individuals, railroad companies, and other corporations, either in or out of the State, are authorized to subscribe for and hold stock in said company.

Commissioners to open stock books. § 4. The commissioners aforesaid, or such of them as may act, shall have power to open books and receive subscriptions of stock in said company at any place or places, either in or out of this State, and at any time they may appoint, and upon such notice as they may deem proper; said stock to be paid in money, property, work, and materials, or in such other manner, and in such installments, as may be agreed upon between them and the subscribers.

§ 5. When bona fide subscriptions of stock to the amount or value of ten thousand dollars shall have been made, the said commissioners shall give notice thereof, and assemble the stockholders at some convenient point; and said stockholders, from their body, shall elect eleven directors, one of whom, to be elected by the directors, shall be president of the company. They shall remain in office for two years, or until their successors shall be elected, and which election shall be annually made by the stockholders at some convenient place, of which reasonable notice shall be given. The stockholders may provide that the president and four directors may constitute a quorum of the board of directors. Each stockholder shall have one vote for each share of stock, and may cast the same in person or by proxy.

1874.

Election of stockholders, when held.

§ 6. After the organization of the company as directed by the foregoing section, the management and control of the affairs of the company shall be committed to said board of directors; they may continue to receive subscriptions of stock; they may acquire and hold such real and personal estate as may be necessary and convenient for the objects of the company; may sell and convey the same, and do all and every thing else which may be necessary and proper for the building, equipping, and operating said road; to fix the rates to be paid for travel and the conveyance of freight over said road, not exceeding the rates charged by other similar roads in this State.

Management of road may sell and buy real estate.

§ 7. Said company shall have power to purchase, acquire, and hold any line of railway, finished or unfinished, lying along its line, and between its termini, and all the chartered rights and privileges granted to the same, and all its property, right of way, &c., and may proceed to construct and operate their road, upon and along the line of any such finished or unfinished railway, or may construct an independent line of railroad between the Ohio river to some point in Laurel or Clay county.

May purchase other railways, &c.

§ 8. Said company, through its board of directors, shall have and may exercise all the powers, and shall have all the rights and privileges usual and incident and necessary to the purposes of such corporations. It may contract and be contracted with, sue and be sued, plead and be impleaded, answer and defend, in all courts and places as a natural person; and may have and use a common seal, and change or alter the same at will.

Power usually conferred to others may be exercised.

§ 9. That whenever the said Chicago and South Atlantic Railroad Company of the State of Kentucky shall request the county court of any county, a majority of the justices coinciding, through which it is proposed to construct said road, or the common council of any city, or

May solicit stock from counties, cities, towns, &c., and terms.

1874.

the board of trustees of any town, into or near to which it is proposed to construct said road, to subscribe, either absolutely or on specified conditions, a specified amount to the capital stock of said company, the county court, a majority of the justices in said county coinciding, common council, or board of trustees so requested, may forthwith order an election to be held at the several voting places in said county, city, or town, on a day to be fixed by the court, mayor, or chairman of the board of trustees, not later than thirty days nor earlier than twenty days after the making of said order, and shall appoint judges and other officers necessary to hold said election.

Duty of sheriff
conducting elec-
tion.

§ 10. That it shall be the duty of the sheriff of such county to give notice to the officers appointed to hold said election, in the same manner as is now provided by law in regard to other elections; and in case any of the officers appointed shall fail to attend or refuse to act, others may be appointed in the same manner as at general elections.

Additional legis-
lation in regard
to local vote.

§ 11. That not more than one election shall be held under this act in any city, town, or county, without further legislation; and no election shall be held in any county, wherein said company have operatives engaged in the actual construction of their road, without the consent of the county court of said county.

Manner of sub-
scription by city,
county, town,
&c., after vote.

§ 12. That the person acting as sheriff at the several precincts shall return to the clerk of the county court, within three days after the day of such election, the poll-books of their respective precincts, and, on the next day thereafter, the county judge and county clerk shall count the votes; and if it appears that a majority of the qualified electors of said county, town, or city, vote in favor of the subscription, as proposed, the county judge, mayor, or chairman of the board of trustees, shall order the vote to be entered on their respective records, and shall execute to the company the obligation of the county, city, or town, to pay to the company, on the terms specified in the order submitting the question to a vote, the amount subscribed. In the event of the amount being payable in installments, there shall be a separate obligation for each installment. These obligations shall be signed by the county judge, mayor, or chairman of the board of trustees, attested by the clerk of the county court, common council, or board of trustees, but shall not bear interest before maturity, and shall not be delivered to the company until their obligations to accept tax receipts in payment of freight, or in exchange for stock certificates, as hereinafter provided, shall be executed and filed with the county judge, mayor, or chairman of the board of trustees.

§ 13. Whenever any county, city, or town shall vote a subscription to the Chicago and South Atlantic Railroad Company of the State of Kentucky, and issue their obligations to said company, as hereinbefore provided, the presiding judge of such county, the mayor of such city, or the chairman of the board of trustees of such town, shall pay such obligations, upon presentation at their maturity, by the issue to said company of the bonds of such county, city, or town, of the denomination of not less than*(\$100) one hundred dollars, nor more than (\$1,000) one thousand dollars, with coupons attached, under the seal of such county, city, or town, the bonds of the county to be signed by the presiding judge and countersigned by the county clerk, and the coupons to be signed by the clerk alone. The bonds of the city so subscribing shall be signed by the mayor and countersigned by the city clerk or auditor, and the coupons shall be signed by the clerk only. Such bonds shall be negotiable and payable to bearer in the city of Louisville, Kentucky, or Chicago, Illinois, at not more than (30) thirty years from their date, and shall bear interest at a rate not greater than seven per cent. per annum, payable semi annually in the city of Louisville, Kentucky, or Chicago, Illinois: *Provided, however,* That the character of the bonds issued, and the time of paying the same, shall be stated fully by said railroad company in the proposition which is submitted to the qualified voters of any county, city, or town: *And provided further,* That it shall not be lawful for said judge, mayor, or chairman of board of trustees, to pay over or deliver said bonds for the use of said road until said road shall have been built through said county, city, or town; but said bonds shall be and remain, after said issue, with such judge, mayor, or chairman of board of trustees, for the time being, in trust for the purposes for which they were issued; and it shall be the duty of said judge, mayor, or chairman of board of trustees, as soon as said road-way is built and ironed through said county, city, or town, and the engineer of said road shall duly certify the same, to deliver said bonds to said railroad, or to the order of said railroad, as provided for in this act: *Provided, nevertheless,* Said judge, mayor, or chairman of board of trustees shall, upon the request of said railroad, issue a certificate reciting the amount of bonds, and their description, so held by them in trust, with a declaration in such certificate that they are so held in trust for the purpose aforesaid, which certificate shall be negotiable and assignable by said railroad company subject to said trust.

§ 14. That in case any county, city, or town shall subscribe to the capital stock of said Chicago and South Atlantic Railroad Company of the State of Kentucky, under

1874.

How subscriptions to be paid by county, city, town, &c.

Tax to be levied to pay interest on bonds.

1874.

the provisions of this act, and issue bonds for the payment of such subscription, it shall be the duty of the county court of such county, the city council of such city, and the trustees of such town, to cause to be levied and collected a tax sufficient to pay the semi-annual interest on the bonds issued, and the cost of collecting such tax, and paying the interest on all the real estate and personal property in said county, city, or town, subject to taxation under the revenue laws of the State, including the amounts owned by residents of such county, city, or town, which ought to be given in under equalization laws.

Board styled
sinking fund, and
their duties.

§ 15. That on levying a tax, as provided for in this act, to pay the interest on bonds issued by the county court of any county, or of any city or town, it shall be the duty of the county court, city council, or town trustees making such levy, to appoint (3) three resident tax-payers of such county, city, or town, who shall be styled the board of commissioners of the sinking fund of such county, city, or town. The commissioners so appointed shall, before they proceed to discharge their duties, be sworn in the presence of the court, council, or trustees appointing them, faithfully to discharge their duties according to the best of their skill and judgment; they shall hold their office at the pleasure of the court, council, or trustees by whom they are appointed; they shall immediately appoint one of their own number treasurer, who shall execute bond, payable to the Commonwealth, with such security as shall be approved by the court, council, or trustees appointing the commissioners, conditioned for the faithful keeping and disbursing of all money coming to his hands as treasurer of such board; on which bond suit may be brought, from time to time, by and in the name of such county, city, or town, or by any other person injured by any breach of his bond, in any court having jurisdiction of the sum claimed in such suit. Such treasurer may be required, at any time, to give a new bond; and any surety in such bond shall be entitled to the same remedies for procuring additional or counter security as are now given to the sureties of guardians, administrators, &c. Said treasurer shall be allowed for his services such compensation, not exceeding (one) 1 per cent. on the money received and paid out by him, as may be allowed by the court, council, or trustees appointing such commissioners respectively. In case a vacancy shall occur, it shall be filled by the court, council, or trustees by whom such board was appointed.

Sheriff to collect
taxes, liability,
&c.

§ 16. The taxes levied under the authority of this act in any county shall be collected by the sheriff of such county; and taxes levied in any city or town shall be collected by the officer of such city or town, who is by law the col-

lector of taxes levied for the ordinary purposes of such city or town; but before any sheriff or other officer shall be authorized to collect any such tax, he shall execute bond, if a sheriff, with such sureties as may be approved by the county court; and if a city or town officer, with such surety as may be approved by the council or trustees of such city or town, conditioned that such officer will promptly and faithfully collect and pay over to the proper person, within the time prescribed by law, all taxes levied under this act which may be placed in his hands for collection.

1874.

§ 17. The sheriffs and other officers, having in their hands for collection taxes levied under this act, shall have all the powers of distraining and selling personal property which sheriffs have in the collection of the State revenue; and when such officer shall be unable to find personal property liable for sale for the unpaid tax of any individual, he may levy the same on any real estate of such person situated in the county, and sell the same under the regulations prescribed by law for selling real estate under execution; and all taxes levied under this act shall be a lien on the real estate of the person taxed which shall be in the county in which such tax is levied; but the owner of any real estate sold may redeem the same at any time within five (5) years after such sale by paying the purchase money, and ten (10) per cent. per annum thereon, with all taxes of every description paid by the purchaser after his purchase, and ten (10) per cent. per annum thereon.

Power of sheriff in distraining collections.

§ 18. That the sheriffs or other officers, selling real estate for taxes levied under this act, shall give to the purchaser a certificate of his purchase, which shall describe the real estate sold, and state the amount for which it was sold, and the date of sale, which certificate shall be lodged by the purchaser with the clerk of the county court within sixty days, who shall record the same in a book to be kept for the purpose, and for which such clerk shall be entitled to charge a fee of fifty (50) cents; and if such certificate is not recorded as herein provided, the land may be redeemed at any time within fifteen (15) years, on paying the purchase money, and six (6) per cent. per annum thereon, and other taxes paid by the purchaser, and six (6) per cent. per annum thereon; that sheriffs and other officers collecting taxes levied under this act shall receive the same compensation as is allowed by law for the time being for collecting the State revenue.

Sheriffs to give certificates to purchasers.

§ 19. That one half of the tax levied in any one year shall be collected by the sheriff or other officer in whose hands the same is placed for collection, and paid over to

How taxes to be accounted for when collected.

1874.

the treasurer of board of commissioners of the sinking fund within one hundred and twenty (120) days after the same is placed in his hands, and the residue within six (6) months after the first ought to have been paid; and if any sheriff or other officer, whose duty it is to collect taxes under this act, shall fail or refuse to execute bond as required by this act for thirty (30) days after the tax is levied, the court, city council, or board of trustees levying such tax may appoint a collector, who shall execute bond, with sureties, and have all the powers, and be subject to all the duties and liabilities of sheriffs and other officers in collecting taxes under this act. That if any sheriff or collector or other officer, having in his hands for collection taxes levied under this act, shall fail to collect and pay over the same within the time prescribed, such sheriff, collector, or other officer shall, with his sureties, be liable for the amount not paid as required, and ten (10) per cent. thereon, to be recovered, on motion, on ten (10) days' notice, in any court having jurisdiction; and any execution issued on such judgment shall not be replevied, and shall be indorsed by the clerk issuing the same that no security of any kind is to be taken.

Duty of commissioners sinking fund as to taxes collected.

§ 20. It shall be the duty of the commissioners of the sinking fund to see that the sheriff or other officer collects and pays over taxes placed in their hands, according to law, and to institute legal proceedings against them on their failure to do so. They shall appropriate such moneys, when collected, to the payment of the interest on the bonds of their county, city, or town.

Dividends when declared, how disposed of.

§ 21. They shall, whenever a dividend is declared by said Chicago and South Atlantic Railroad Company of the State of Kentucky, cause their treasurer to receive the same, and pay the interest on their bonds out of it; and when a surplus shall remain, after paying the interest due, they shall apply such surplus to the purchase of their bonds, if they can be purchased at par, or less than par; and if they cannot be purchased at par, they shall invest such surplus in some safe and profitable manner, and in such way that the money may be readily realized when needed to buy or pay off bonds.

Dividends owned by counties, cities, towns, &c., how disposed of.

§ 22. That all dividends which shall be received upon the stock held and owned by any county, city, or town under this act, shall be, and are hereby, set apart to be held sacred as a sinking fund, to be only used as provided in this act for the payment of the principal and interest of the bonds issued under the authority of this act.

May issue new bonds when dividends fall short.

§ 23. That in case the dividends upon the stock held and owned under this act by any county, city, or town,

and for which bonds shall have been issued, shall not be sufficient to enable such county, city, or town to pay its bonds at maturity, it shall be the duty of the commissioners of the sinking fund to report such fact to the county court, city council, or town trustees, at least five (5) years before the maturity of said bonds; and if any county court, city council, or the trustees of any town owing such bonds, shall deem it proper to do so, they may issue new bonds, having not more than twenty (20) years to run, payable at such place as may be designated on the face of such bonds, bearing the same interest and secured in all respects as the bonds first issued are secured, and sell such bonds or exchange them for the old ones: *Provided, however,* That if any county court, city council, or town trustees shall deem it inexpedient to issue and sell such new bonds, or shall be unable to raise money necessary to pay off its bonds at maturity by a sale of new bonds, it shall be the duty of such county court, city council, or town trustees, to cause a tax to be levied and collected on all the property in such county, city, or town, which, by the provisions of this act, is subject to taxation, to pay interest sufficient, when added to any sum raised by sale of new bonds, to discharge the old bonds at maturity: *Provided also,* That any tax levied under the provisions of this section shall be collected by the same officers, under the same powers, and subject to the same responsibilities in every respect, as provided in the act in relation to the collection of taxes levied to pay interest.

§ 24. That in case a direct tax shall be levied to pay all or any part of the bonds of any county, city, or town, issued under this act, at or before maturity, it shall be the duty of the commissioners of the sinking fund to cause to be transferred to the tax-payers or the assignees, stock held by said county, city, or town, to the amount of the tax paid, upon the delivery to said commissioners of tax receipts by the holders thereof; such receipts shall be negotiable by indorsement; and no stock shall be transferred for a less amount than fifty dollars.

Stock to be issued
to tax-payers.

§ 25. That it shall be the duty of the treasurers of the several boards of commissioners of the sinking fund appointed under this act, upon the surrender to them, at their respective offices, of receipts given for taxes paid to defray the interest on the bonds of their respective counties, cities, and towns, prior to the time of declaring the first cash dividend by said railroad company, to the amount of fifty dollars or more, to issue to the holders thereof certificates setting forth the number of shares of stock to which the holder is entitled, and to give a separate receipt for any fractional part of a share, which receipt shall be negotiable by indorsement, and may be

Treasurers of
sinking fund —
their duties.

1874.

added to other like receipts or tax receipts to make up a full share. The treasurer shall write or stamp the word canceled across the face of each tax receipt given up by him, and file it away in his office; and he may charge and collect fifty cents per share for each certificate issued by him. He shall keep a list of the names of those to whom he issues certificates, with the number of the certificate and the number of shares for which each was given; and shall, on the last day of each month, make out and forward to the secretary of the company a copy of the list of certificates issued during that month.

§ 26. That it shall be the duty of the said Chicago and South Atlantic Railroad Company of the State of Kentucky, after the first cash dividend shall be declared, on presentation at its office of the stock certificates issued under the provisions of the last preceding section, to issue stock therefor to those to whom such certificates were issued, or their representatives or assigns.

Company may
accept tax re-
ceipts for freights.

§ 27. That in lieu of certificates of stock to be issued to the county, city, or town, or the people thereof, as hereinbefore provided, the company, upon the payment of the subscription made, shall file with the presiding judge of the county court, or the mayor of the city, or the chairman of the board of trustees, its obligation to accept at par, in payment of charges for all freight shipped from, or received at, the several depots or stations in said county, city, or town, the tax receipts issued to the citizens of said county, city, or town, for taxes levied and collected to pay the said subscription. Said tax receipts, however, shall not be so receivable until five years shall have elapsed after the completion of said railroad; and no sale or lease of said road shall affect the obligations hereby imposed on said company.

Record of sink-
ing fund to be
kept.

§ 28. That the commissioners of the sinking fund shall keep an exact record of all their actings and doings as such, and their treasurer shall keep a strict account of all moneys received or paid out by him, and shall settle his accounts annually, or oftener, if required, which settlement shall state fully his accounts since his last settlement.

Property liable
for taxes, &c.

§ 29. That all the real estate lying in any county, city, or town, issuing bonds under this act, shall be taxed for the purpose of defraying the interest on such bonds, and for the payment of the principal, if that shall be paid by taxation; and when a part only of the land of any taxpayer shall lie in such county, city, or town, the assessor of tax shall designate in his books what part lies within such county, city, or town, and its value, and only such part shall be assessed for the purposes of this act.

§ 30. That the commissioners of the sinking fund, or one of them, shall cast the vote to which their respective counties, cities, and towns may be entitled in any meeting of the stockholders of said Chicago and South Atlantic Railroad Company of the State of Kentucky: *Provided*, That if neither of them shall attend, then any person duly authorized by any two of said commissioners may cast the vote as proxy for said commissioners.

1874.

Commissioners sinking fund to vote stock.

§ 31. That the president and directors of said Chicago and South Atlantic Railroad Company of the State of Kentucky may, if it shall seem advisable to them, increase the capital stock of said company to a sum equal to the total cost of the road, and its equipments, depots, water-stations, &c.

Capital stock may be increased.

§ 32. That said company may acquire a right of way sixty-six (66) feet wide; but this shall not be construed a limitation on the right to acquire any width that may be shown to be necessary, by the affidavit of an engineer, filed with the justice, at the time of suing out the warrant for condemning such lands.

May acquire right of way.

§ 33. That the said Chicago and South Atlantic Railroad Company of the State of Kentucky shall be exempt from taxation until some part of the same is completed, and cars run on the same, when that part so finished shall be subject to taxation; and that it shall never be taxed at a valuation beyond the rate at which said roads are now taxed, nor exceeding its actual value.

Property exempt from tax till road finished.

§ 34. That said Chicago and South Atlantic Railroad Company of the State of Kentucky may receive donations of land, to be used for any of the purposes of said road, or to be sold to raise money to build the same; and may receive subscriptions, to be paid in lands at a valuation to be fixed by such means as may be agreed upon between said company, or its authorized agents, and the subscriber, and may lease or sell or convey any land so given or subscribed.

May receive donations of land, &c.

§ 35. That said Chicago and South Atlantic Railroad Company of the State of Kentucky may, the holders of a majority in value of all the stock therein concurring, agree on terms for consolidating said company with any other railroad company, on such terms as may be agreed upon; but no such consolidation shall in anywise affect the holders of mortgage bonds issued by said Chicago and South Atlantic Railroad Company of the State of Kentucky.

May consolidate with other roads.

§ 36. That the Chicago and South Atlantic Railroad Company of the State of Kentucky may issue and sell the bonds of said company of the denomination of one thousand dollars and five hundred dollars, to be signed by the president and countersigned by the secretary, with the

May sell the bonds of the company.

1874. seal of the corporation affixed, to an amount not exceeding five millions of dollars, bearing not exceeding eight per cent. interest, payable semi-annually, with coupons attached, signed by the secretary of the company, to be made payable as said company may direct, within thirty years from their date.

May mortgage road to pay interest and principal.

§ 37. To secure the prompt payment of the interest and principal of bonds issued by authority of this act, said company may execute a mortgage or deed of trust, conveying said railroad and its property and franchises to a trustee or trustees, and, from time to time, fill vacancies that may occur for the use, and to secure the holders of such bonds, with such covenants and stipulations as may be necessary to effect the purpose and objects of its execution.

Duty of president in case of sale under mortgage.

§ 38. That if the mortgage or deed of trust authorized by the last preceding section shall be foreclosed by legal proceedings, such foreclosure shall be for the benefit of all the holders of bonds secured by its provisions. Upon such foreclosure, the president shall make a correct list of all bonds secured by such mortgage or deed of trust which have been sold, and verify it by his affidavit; which affidavit and list shall be filed in the circuit court, where only such proceedings are authorized to be had. Such foreclosure shall not take place until ninety days after publication of notice of the commencement of proceedings to that end shall have been made in one or more newspapers published in the cities of Louisville and Lexington, Kentucky, and Chicago, Illinois.

Rights of purchaser under mortgage.

§ 39. The person or corporation becoming the purchaser or lessee of said road, by reason of any sale or leasing to satisfy the demands of bondholders, shall be vested with all the rights, privileges, franchises, and immunities of the corporation.

Mode of redeeming under mortgage.

§ 40. That to create and to secure a fund for the final redemption of mortgage bonds issued under authority of this act, a sinking fund shall be created by said company; and in order to create such sinking fund, said company shall, at the time of declaring the first cash dividend, ascertain what sum ought to be set aside annually, in order to create a fund sufficient to redeem its bonds at maturity, and then set apart and pass into the sinking fund that sum; and thereafter, annually, there shall be set aside and pass into said fund a like sum, until a fund is created sufficient to pay the outstanding bonds of the company; which fund shall be held sacred for the redemption of said bonds; and shall be used for no other purpose; that the company may loan and reloan the sums thus set apart at any rate of interest no greater than that paid on its bonds, or may invest the same in any safe and

profitable manner deemed advisable, which is not inconsistent with the purposes and objects of creating said fund: *Provided*, That said company may use any or all of said funds in retiring its bonds before maturity, if deemed advisable; but no bond purchased with the proceeds of the sinking fund shall be resold, but the same shall be canceled.

1874.

§ 41. The bonds of the company, nor the bonds of the counties, cities, or towns, issued under authority of this act, whether sold and delivered in this State or elsewhere, shall not be avoided, in whole or in part, by reason of the rate of interest agreed to be paid, or of the place at which they may be sold or delivered, nor by reason of their having been sold at less than their par value.

Bonds valid.

§ 42. That upon application by said company to the county court of any county into or through which it is proposed to construct said Chicago and South Atlantic Railroad Company of the State of Kentucky, such court shall appoint three (3) commissioners, two of whom shall be residents of said county, and one an engineer of said company, who shall be sworn faithfully to discharge their duties under this act to the best of their skill and judgment; and whenever said company shall be unable to agree with the owner of any land, earth, stone, gravel, timber, or other material or thing required for the site or construction of said road, or whenever the land or material required shall be owned by any person not a resident of said county, or who is a *feme covert*, infant, or *non compos mentis*, it shall be the duty of said commissioner to view the land or material required, and fix the amount of compensation to which the owner or owners of such land or material shall be entitled, and make out and return to the office of the clerk of the county court a report, in writing, particularly describing the land or other material valued, and the interest and duration of the interest valued, and the amount of damages assessed. The report of the commissioner shall give the name of the owner, and state whether such owner is a resident of the county, and whether a *feme covert*, infant, or non-sane person. The clerk shall receive such report and file the same, indorsing thereon the time of its being filed; and if the owner resides in the county, he shall forthwith issue a summons commanding the owner or owners of such land to appear and show cause why the report should not be confirmed, which summons shall be forthwith executed by the sheriff or other officer in whose hands it may be placed. The report shall be docketed in the county court, and stand for trial at any term of said court commencing not less than ten (10) days after service of the summons.

Duty of company when parties disagree as to condemnation for road purposes.

1874.

If the owner is not a resident of the county, the court shall, at the first term after the report is filed, appoint an attorney to defend for such owner, who may file exceptions at any time not later than the next term; and upon exceptions being filed by the owner, or by an attorney appointed to defend for him, or by the company, the court shall forthwith order a jury to be empaneled to try the question of damages, unless, for good cause shown, time is given for preparation.

Mode of paying
damages.

§ 43. If no exceptions are filed the report shall be confirmed. The jury and commissioners shall, in estimating the damages to any proprietor of land or material sought to be condemned for said road, be governed by the same rule as prescribed in section thirteen of an act incorporating the Elizabethtown and Paducah Railroad Company, approved March 5, 1867; and the mode of valuation provided for herein shall have the same effect, and confer upon the company all the rights and privileges which would be conferred if the proceedings had been had in accordance with the provisions of the original charter of the Elizabethtown and Paducah Railroad Company; and whenever a verdict shall be had, the court may give judgment condemning such land or other material for the use of said company, and against the company for the amount of damages assessed, and also to the owner for his costs, if the verdict shall be for more than was assessed by the commissioners.

May take possession of property after paying damages.

§ 44. Whenever it shall be necessary for the said company to have, use, or occupy any land, material, or other property, in order to the construction of said road or repairing the same, or the construction or repairing of their necessary works or buildings, it shall be lawful for the president, directors, or their agents, to take possession of said land or other property after the verdict of a jury has been rendered as hereinbefore provided, and after payment has been made to the owner for the said land or material in accordance with said verdict.

Damages apportioned between owners.

§ 45. If the person or persons in possession of the land shall hold an estate for years or for life thereon, it shall be the duty of the jury to find the aggregate of the damages, and the circuit court of the county shall apportion the damages found by them to be due between the owner of the estate for years or for life, and the person or persons holding the remainder or reversion therein.

May deposit damages with sheriff.

§ 46. If the person in possession of the land, or the owner thereof, a tender being made to him of the amount of damages fixed by the jury upon the land, or by the circuit court, in case an appeal is taken, shall refuse to receive the same, it shall be lawful for the company to deposit the same with the sheriff of the county in which

the inquisition is had: *Provided*, The said sheriff shall previously execute bond, with security, in the county court of the said county, to pay it to such person or persons entitled thereto whenever they may demand the same.

1874.

§ 47. If the person in possession of the land be not the owner of it, before he shall be entitled to receive the damages assessed by the jury, he shall execute bond, with good security, to the company, that he will faithfully pay over to the owner of the land the money so received by him; and in case he fails or refuses, upon demand of the company, to execute the bond, it shall be lawful for the company, or its agents, to deposit the money with the sheriff, in the same manner as hereinbefore provided upon the execution of a similar bond by him.

Bond to be executed for payment of damages.

§ 48. If the land be vacant, or the owner live out of the county or State, or be unknown, upon the rendition of the verdict of the jury, a deposit of the amount fixed thereby with the sheriff of the county shall authorize an entry by the company upon the land: *Provided*, The sheriff first execute bond, as hereinbefore provided.

Sheriff to receive for non-residents.

§ 49. Where it is ascertained that the person in possession holds an estate for years or for life, and the remainder or reversion is in another or others, a payment to him of the aggregate amount fixed by the jury shall be sufficient, and the company shall have the right to demand from him a bond, with security, that he will pay to the remainderman or reversioner the amount to be adjudged to him by the circuit court; and if he refuse to execute said bond, the company may deposit the amount with the sheriff, who shall execute bond, as above directed, and then the company may enter and take possession of the land.

Cases in which damages shall be deposited with sheriff.

§ 50. The mayor and council, or general council of any city, and the board of directors of any railroad company, may, on behalf of their city or company, guarantee the payment of the principal and interest of the bonds of the said Chicago and South Atlantic Railroad Company of the State of Kentucky; and any railroad or other corporation may subscribe to the capital stock of the said Chicago and South Atlantic Railroad Company of the State of Kentucky. None of the bonds mentioned in this bill shall bear a greater rate of interest than ten per cent.

May guarantee payment of bonds

§ 51. All acts and parts of acts inconsistent with the rights and privileges conferred by this act, are hereby repealed.

§ 52. This act shall be in force from and after its passage.

Approved February 23, 1874.

1874.

CHAPTER 446.

AN ACT providing for the payment of the cost and expenses incurred before the Senate Committee on Privileges and Elections in the investigation of the controversy between Edmund Wooldridge and W. C. Goodloe, as to who was entitled to a seat in the present Senate from the Twenty-seventh Senatorial District.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasury in favor of the Sergeant-at-Arms of the present Senate for the following sums of money, payable out of any money in the Treasury not otherwise appropriated, to-wit: two hundred and sixty-eight dollars and eighty-five cents for the payment of witness claims; twelve dollars and fifty cents for sheriffs' fees; two dollars and twenty-five cents for telegraphic dispatches, express charges, and postage. The above sums being for cost and expenses incurred before the Senate Committee on Privileges and Elections in their investigation of the controversy between Edmund Wooldridge and W. C. Goodloe, as to who was entitled to a seat in the present Senate from the Twenty-seventh Senatorial District, which sums shall be drawn by the Sergeant-at-Arms of the present Senate, and distributed by him to the persons entitled thereto.

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 447.

AN ACT to amend the charter of the Elizabethtown and Paducah Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That on and after such time as the board of directors may designate, the name of said company shall be changed to that of the Louisville, Paducah, and South-western Railroad Company; and in such name it shall thereafter sue and be sued, carry on all its corporate business, hold and own all the property, choses in action, moneys, rights, privileges and franchises of every description, and be subject to all the duties, obligations, debts, and liabilities of every description which it shall hold, own, or be subject to immediately before such change of its name; but all suits which may be pending by or against said company, at the time of such change, shall proceed to final judgment in all respects as if this act

had not passed; and said company shall be entitled to all the benefits of said final judgments, and have the same executed against it in all respects as if the name had never been changed: *Provided*, That nothing herein contained shall be construed to authorize or permit the company under its new name to take up or discontinue, or fail to keep in complete repair and running order, the present road from Elizabethtown to Paducah, and especially between Elizabethtown and Cecellia, from which latter point an extension or branch road is now in course of construction to the city of Louisville, by way of West Point, in Hardin county; nor shall this change in anywise affect any indebtedness created by the Elizabethtown and Paducah Railroad Company; nor any bond or bonds issued by any city, county, or town in aid of said Elizabethtown and Paducah Railroad Company; nor any mortgage or mortgages executed by said company toward the construction and completion thereof.

1874.

§ 2. That the board of directors of said company may elect vice presidents, and prescribe their duties and compensation.

§ 3. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 450.

AN ACT to extend the common pleas court of Warren county to the counties of Butler, Edmonson, and Muhlenburg.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish a court of common pleas for the county of Warren," approved March 10, 1869, is hereby made applicable to the counties of Butler, Edmonson, and Muhlenburg; and there shall be established in said counties a court to be known as the court of common pleas of said counties respectively, with exclusive power, jurisdiction, and authority to hear and determine all common law actions and motions in said counties, as was given by the act aforesaid to the aforesaid court in the county of Warren.

Common pleas court established.

Jurisdiction and powers.

§ 2. On the first Monday in August, 1874, and on the same day every sixth year thereafter, an election shall be held in said counties of Warren, Butler, Edmonson, and Muhlenburg, for the election of a judge of said court, who shall enter upon his office on the second Monday thereafter, and continue in office for six years, and receive a salary of twenty-five hundred dollars (\$2,500), payable out of the Treasury in the same manner as the

When judge to be elected — term of office, and salary.

1874. salary of a circuit judge. The election, provided for in this act shall be conducted in all respects as an election for judge of the circuit court.

General Statutes
made applicable.

Special terms.

Terms of court—
when held and
number of judicial
days.

§ 3. All the provisions of section five, section seven, and section eight, of article ten, in chapter twenty-eight, of the General Statutes, except so far as the same confers equity jurisdiction upon courts of common pleas, are hereby made applicable to the court established by this act. Article seven of chapter twenty-eight of the General Statutes, in reference to the election of special judges, shall be applicable to the judge of said court. Special terms for the trial of causes may be held in either of said counties, which terms may be called in the manner provided by law in relation to special terms of circuit courts.

§ 4. The terms of said court shall be as follows: In the county of Warren, one term beginning on the second Monday in April, and continuing twenty-four judicial days, if the business shall require it; one term beginning on the second Monday in October, and continuing twenty-four judicial days, if the business shall require it.

In the county of Butler, one term beginning on the second Monday in March, and continuing six judicial days, if the business shall require it; one term beginning on the second Monday in September, and continuing six judicial days, if the business shall require it.

In the county of Muhlenburg, one term beginning on the fourth Monday in January, and continuing eighteen judicial days, if the business shall require it; one term beginning on the third Monday in July, and continuing eighteen judicial days, if the business shall require it.

In the county of Edmonson, one term beginning on the third Monday in May, and continuing six judicial days, if the business shall require it; one term beginning on the third Monday in November, and continuing six judicial days, if the business shall require it.

Court to have
jurisdiction of
common law
actions & motions
now pending in
circuit court.

§ 5. After the election and qualification of the judges as provided by this act, the common pleas court for the counties of Warren, Butler, Edmonson, and Muhlenburg respectively shall have jurisdiction, exclusive of the circuit court in said counties, of all common law actions and motions; and the common law actions and motions now pending in the circuit courts of the counties aforesaid shall be disposed of as provided by this act.

After common
pleas court is or-
ganized, circuit
court to transfer
causes.

§ 6. It shall be the duty of the circuit court in the counties of Butler, Edmonson, and Muhlenburg, at the close of the first term after the organization of the court created by this act, to make orders transferring to said common pleas court so many of the common law causes left undisposed of in said circuit court; and the causes thus transferred shall be entered upon the docket of said

common pleas court, and tried as if originally brought therein. This act shall not be so construed as to deprive the circuit courts of the counties of Butler, Edmonson, and Muhlenburg of any jurisdiction, until after the election and qualification of the judge of the common pleas court, as provided by this act. 1874.

§ 7. All laws or parts of laws conflicting with the provisions of this act are hereby repealed.

§ 8. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 451.

AN ACT to incorporate the Woodford Driving Park.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. Ward Macey, Peter I. Railey, Gus Macey, and J. B. Shockency, be, and are hereby, created a body-politic and corporate, with perpetual succession, under the name of the Woodford Driving Park; and by that name may contract and be contracted with, may sue and be sued, in all courts in this Commonwealth; may have and adopt a common seal, alter and change the same at pleasure; may purchase and own grounds and stables and real estate to such an extent as their wants may require in the prosecution of the objects of said company and association.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The said Woodford Driving Park shall have all the rights, privileges, and powers, so far as the same are applicable, which pertain to Woodlawn Association, of Jefferson county, Kentucky.

Rights of Woodlawn Association made applicable.

§ 3. Said association may organize by holding a meeting of the corporators herein, at such time and place as may be determined upon; and at such organization may elect three or more of their number as directors, who shall elect a president and other officers of said association, such as secretary, treasurer, and all others which they may, from time to time, deem necessary for the successful prosecution of their business.

When and how association may organize.

§ 4. The board of directors shall have power to adopt and provide all by-laws, rules and regulations, for the government of the affairs of said association: *Provided*; The same are consistent with this charter and the laws of the State and United States. The management of the affairs of said association shall belong to the board of directors, who, after the first election, shall be annually chosen by the stockholders of said association, or if not

Directors to make all by-laws & control affairs.

1874. then chosen, an election may be ordered by the board, twenty days' notice being first given in some paper published in the town of Versailles.

May receive subscriptions to capital stock.

§ 5. The board may order books opened for subscription of stock, the shares of which shall be determined by the board, as well as the amount which each share shall represent: *Provided*, The capital stock shall not exceed ten thousand dollars.

May regulate transfers of stock

§ 6. Said board shall have power to make all necessary regulations for the issuing and transferring stocks, and shall prescribe the mode of voting by proxy; and each stockholder shall be entitled to as many votes as he owns stock; and said stocks shall be considered as personal property.

§ 7. The Legislature reserves the power to alter, amend, or repeal this act in any and every particular.

§ 8. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 453.

AN ACT to prohibit the sale, gift, loan, or procurement of spirituous, vinous, or malt liquors on election days in the county of Greenup.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful to sell, give, &c., liquors on election days.

§ 1. That it shall be unlawful for any person to sell, give, loan, or otherwise procure for a voter of Greenup county, any spirituous, vinous, or malt liquors, or any mixture thereof, on any election day held under the laws of the United States or of this State, county, city, or town, or ordinance, at any place within the boundaries of the district wherein the election is being held, with the intent to have the same drunk by the voter, or which shall be drunk by such voter or any one else on the day of such election.

Exemptions.

§ 2. That the provisions of this act shall not apply to sales or shipments by manufacturers or wholesale dealers, who, in the usual course of trade and in good faith, sell or ship such liquors by the wholesale, nor to druggists, for medical purposes, upon the written prescription of practicing physician bona fide given.

Physicians only to give certificates in actual sickness

§ 3. That it shall be unlawful for any physician to give any person entitled to vote at any election herein referred to a prescription for any spirituous, vinous, or malt liquors, or any mixture thereof, except in case of actual sickness of the person prescribed for.

Penalty.

§ 4. That for any violation of the provisions of this act, the person so violating shall be fined in any sum not less

than ten nor more than fifty dollars for each and every offense, to be recovered by indictment or in the courts of justices of the peace. 1874.

§ 5. That this act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 454.

AN ACT to incorporate the Milton Baptist Church, of Trimble county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. H. W. Gossom, S. D. McIntyre, and John A. Netherland, and their successors in office, be, and they are hereby, created a body-corporate and politic, by the name and style of the "Milton Baptist Church of Trimble county;" and in that name to have perpetual succession, with all the powers incident to corporations, for the purpose of suing and being sued, pleading and being impleaded, so far as may be necessary to protect the rights, title, property, privileges, possessions, and immunities of said church which now does or may hereafter belong to the same.

Corporators' names.

Name and style.

Corporate powers.

§ 2. That it shall be lawful for said church to acquire and hold real estate, as well as personal property; and to make investments for the use and benefit thereof to such amount and to such value and character as to said trustees may seem necessary, or most expedient for the interests of said church: *Provided*, That the whole amount shall be vested in church property.

May acquire and hold real and personal estate.

§ 3. That no real estate so acquired and held by said church, and no investment made for or devoted to the use and benefit of said church, shall at any time be subject to any taxation or assessment for State or town purposes whatsoever: *Provided, however*, That the property and investments of said church so held exempt from taxation or assessment shall not exceed in value and amount the aggregate sum of twenty thousand (\$20,000) dollars, according to a fair cash valuation.

Property exempted from taxation.

§ 4. That whenever vacancies may occur with said trustees, it shall and may be lawful for them to be filled pursuant to the discipline and rules of said church; and the General Assembly of this Commonwealth hereby reserves the right to alter, amend, or repeal this act at pleasure.

Vacancies in trustees, how filled

§ 5. That this act shall take effect from and after its passage.

Approved February 23, 1874.

1874.

CHAPTER 455.

AN ACT to enable the president and board of managers of the Clay's Mill Turnpike Road Company to borrow money and mortgage their road for payment of the loan.

WHEREAS, The president and board of managers of the Clay's Mill Turnpike Road Company were compelled to refund near two thousand dollars more than the subscriptions to complete their road, and which is now a debt on the road; to enable them to satisfy the debts of said company,

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

May borrow
money and secure
same by mort-
gage.

§ 1. That the president and board of managers of said Clay's Mill Turnpike Road Company be, and they are hereby, empowered and authorized to borrow any sum necessary to pay off the debt created for the construction of said road, not exceeding two thousand dollars, and to make and execute a mortgage on said road and its franchises to secure the payment of such loan.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 456.

AN ACT for the benefit of R. W. Brandon and others, of Grayson county.

That whereas, R. W. Brandon, Andrew Milner, and Elijah Duggan became sureties of H. P. Bozarth, sheriff of Grayson county, for the years 1859 and 1860, on his revenue bond. The said Bozarth failed, and said sureties' land and all personal property was sold on an execution issued from the Franklin circuit court against said Bozarth and sureties. Said lands that were sold and purchased by the State is worth the original amount of judgment and damages; since which time there has been executions issued and property sold, and said securities have paid all they could at all times when in their power to do so. Elijah Duggan and Andrew Milner are wholly insolvent, old men, living with their children, on the charity of the same, and R. W. Brandon being unable to pay as much as the interest on the said debt, and he is the only one that there is any prospect of ever getting a few dollars at a time, and that not more than enough to pay the accruing costs, having lost in that security bond, and during the war, all property, and since which time has only been able to support his family; wherefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1874.

§ 1. That R. W. Brandon, Elijah Duggan, and Andrew Milner are hereby released from further payment of the judgment, costs, and damages obtained against said securities in the Franklin circuit court, on the 29th of July, in the year 1861, and that no further executions against them on their said bond shall be issued by the Commonwealth of Kentucky.

Released from damages, interest, &c., on judgment.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 457.

AN ACT to amend an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls "

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act for the benefit of keepers of licensed stud-horses, jacks, and bulls," which became a law without the Governor's approval April 15th, 1873, be, and the same is hereby, extended to the counties of Cumberland, Carter, Mason, Pendleton, and Logan.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 458.

AN ACT to prevent trespass in Pendleton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That if any person or persons shall hunt, chase, catch, or kill any game, or shall hunt, chase, or kill any fox or other animal upon the lands of another, or shall pass through or over any small grain, meadow, or pasture lands, or any lands under or inclosed for cultivation, without first having obtained the consent of the owner so to do, he or they shall each be fined not less than two nor more than twenty dollars, to be recovered by warrant, in the name of the Commonwealth, before any justice of the peace having jurisdiction.

Made unlawful to hunt on another's lands without consent of owner.

Penalty.

§ 2. No action shall be commenced or maintained under the first section of this act, except upon the complaint of the owner, his tenant, or legally authorized agent or attorney.

Owner or tenant to bring action.

1874.

May also bring
trespass action.

§ 3. Nothing in the foregoing act shall be so construed as to prevent the owner, tenant, or person in possession from maintaining an action of trespass for any damages he or they may have sustained, although the defendant may have been tried under the provisions of the foregoing act.

§ 4. This act shall only apply to Pendleton county.

Approved February 23, 1874.

CHAPTER 459.

AN ACT for the benefit of the Ludlow and Pleasant Run Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Allowed further
time to complete
road.

§ 1. That the Ludlow and Pleasant Run Turnpike Road Company shall have the further time of two years to complete their road, and for this purpose may use, exercise, and enjoy all the rights, privileges, and powers granted them in their original charter, or any amendment of the same.

Width and grade
of road changed.

§ 2. That section six of the act incorporating said company be, and the same is hereby, amended as follows: that the entire width of said road shall not exceed forty feet nor be less than thirty feet, and the macadamized part thereof shall not be less than ten feet nor more than eighteen feet wide; and that all of said section inconsistent with this amendment is hereby repealed.

§ 3. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 460.

AN ACT for the benefit of the Sugar Creek Baptist Church of Garrard county.

WHEREAS, It is represented to this present General Assembly of the Commonwealth of Kentucky that the Baptist Church of Sugar creek, Garrard county, Kentucky, by an order duly entered upon its records, resolved to sell the grounds and the church building thereon belonging to said church, and appointed W. T. Willis, Walter Eason, and William Marksberry, the trustees of said church, to sell and dispose of said property; and whereas, doubts may arise in regard to the power and authority to sell said property, and to the validity of the title to said property, when so disposed of by said committee; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky: 1874.

§ 1. That the action of said church in the appointment of said trustees and committee for the purposes aforesaid be, and the same are hereby, legalized and made valid to all intents and purposes; and said trustees, for and on behalf of said church, are hereby fully authorized and empowered to make sale of said property, and to convey to and invest the purchaser or purchasers of said property with the fee-simple title thereto.

Certain action of church & trustees legalized.

§ 2. Said church is hereby authorized to dispose of the proceeds as it may deem proper.

§ 3. This act to take effect and be in force from its passage.

Approved February 23, 1874.

CHAPTER 461.

AN ACT to repeal an act, entitled "An act authorizing the county judge of Muhlenburg county to change the South Carrollton and Madisonville road as the same passed over the land of C. L. Morehead."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act authorizing the county court of Muhlenburg county to change the South Carrollton and Madisonville road as the same passed over the land of C. L. Morehead," approved March 14, 1870, is hereby repealed.

§ 2. *Be it further enacted,* That the county judge of said county is hereby directed to issue an order directing said Morehead to reopen said road as it passed over the land of said Morehead prior to the passage of the act hereby repealed.

§ 3. This act shall be in force from its passage.

Approved February 23, 1874.

CHAPTER 462.

AN ACT for the benefit of school districts Nos. 30 and 65, in Pendleton county.

WHEREAS, School districts numbers thirty and sixty-five, of Pendleton county, failed to have a five months' school taught for the year ending June 30th, 1873; and whereas, said failure was caused by not having a sufficiency of money to obtain a teacher in time to teach the term prescribed by law; and whereas, district number thirty did succeed in having a school taught for sixty days, and

1874. district number sixty-five for eighty days, by qualified teachers; and whereas, the fund appropriated to these districts for the school year ending June 30th, 1873, has not yet been transferred as unexpended surplus to the bond of Pendleton county; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Superintendent
to draw warrant
in favor of said
districts for
school moneys.

§ 1. That the Superintendent of Public Instruction is hereby directed to issue his warrant upon the Treasury for the sum appropriated to said districts in favor of the commissioner of the county, to be paid by him to the teachers of the respective districts aforesaid.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 463.

AN ACT for the benefit of John H. Williams, assessor of Calloway county.

WHEREAS, John H. Williams, assessor of Calloway county, did faithfully and fully perform all the duties of said office according to law, except taking the oath required by law to enable him to draw his compensation; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized to draw his warrant on the Treasurer for the compensation of said assessor, John H. Williams, for his services as such officer for the year 1873.

§ 2. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 464.

AN ACT to establish an additional justices' district in Rockcastle county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary of
district.

§ 1. That so much of district No. 1 and district No. 6 as is in the following boundary be, and the same is, constituted district No. 7, in Rockcastle county, to-wit: beginning at the mouth of Skegs creek; thence northerly with the dividing ridge between Skegs creek and Trace branch to the ridge road to the Big Pond; thence eastwardly with the Pine Hill road to the State road, crossing said road, to the Indian Grave Gap; thence to Sinks of Roundstone creek, crossing said creek, to the Stomping

Chestnut ; thence straight line to the head of Trace branch; 1874.
thence southerly to Elkins' mill on Horse Lick ; thence
with said creek to Big Rockcastle river westerly to the
beginning. Until changed by law, the voting place to be
at Livingston Station, in Rockcastle county.

§ 2. That it shall be the duty of the county judge of
said county to cause an election to be held at said pre- Election for jus-
cinct for justices of the peace and constable for said dis- tices & constable
trict, on the first Saturday in May, 1874; and on the first to be held.
Saturday in January, 1875, two justices shall be elected
in said district, and every four years thereafter; and on
that day, and every two years thereafter, one constable
shall be elected in said district.

§ 3. That this act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 465.

AN ACT to authorize the county court of Simpson county to levy an addi-
tional tax in said county.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky :*

§ 1. That the county court of Simpson county, a ma- County court to
jority of the justices of the peace concurring therein, be, levy additional
and the same are hereby, authorized to levy an additional tax.
ad valorem tax upon the taxable property of said county
of not exceeding ten cents on the one hundred dollars'
worth of property.

§ 2. Said additional tax to be collected by the sheriff of When and how to
said county in the same manner, and at the same time, be collected.
other county revenues are now collected.

§ 3. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 466.

AN ACT to amend the charter of Sebree City, in Webster county.

*Be it enacted by the General Assembly of the Commonwealth
of Kentucky :*

§ 1. That the charter of Sebree City, in Webster county, Trustees may
be, and the same is hereby, amended so as to allow the license coffee-
board of trustees of said town to issue licenses to keep houses, &c.
taverns, retail liquor saloons, and coffee-houses therein, at
a rate of from one hundred to two hundred dollars each
per annum.

1874.

How license
moneys to be ap-
plied.

§ 2. Any money received by the treasurer or said board of said c. ty, under this act, may be expended by the said board for the improvement of the streets, public works, or public buildings of said town, as the other public money or town taxes are now by law required to be expended.

Penalty for sell-
ing without li-
cense.

§ 3. Any person retailing liquors in said town without having first obtained said license and paying the sum prescribed herein, shall be subject to all the penalties of law for retailing without license, subject to all general laws in regard to sale of liquor.

§ 4. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 467.

AN ACT for the benefit of the gunsmiths of Henderson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Lien given for re-
pairs.

§ 1. That gunsmiths shall have a lien on all guns, pistols, knives, powder flasks, and shot-pouches or belts, which have been or may be left in their care or custody for repairs, for the payment of reasonable charges for the work and repairs done and performed by such gunsmith thereon at the instance or request of the owner or owners thereof; and where any such gun, pistol, knife, powder-flask, or shot-pouch or belt has remained or may remain in the care or custody of such gunsmith, without payment of such reasonable charges, for the period of twelve months, it shall be lawful for such gunsmith, after such articles remain in his hands twelve months, and due notice of sale being given, to sell at public auction, for cash in hand, any such gun, pistol, or other article mentioned, for the payment of such reasonable charge and the expense of advertisement and of the sale; and if the amount of the sale exceed the amount of said charge and expense of advertisement and sale, the surplus shall be paid to the owner of such articles or his representative on due application.

May sell said
property to pay
charges.

§ 2. This act shall apply to and be in force only in Henderson county, and take effect from its passage.

Approved February 23, 1874.

CHAPTER 468.

1874.

AN ACT to amend an act, entitled "An act to incorporate the Louisville Brick and Building Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the name of the Louisville Brick and Building Company be, and the same is hereby, changed to the "Consolidated Contracting and Building Corporation;" by which name it shall be known, and shall have and exercise all powers, privileges, and franchises granted by said original charter.

Name changed.

§ 2. That section two of said charter shall be, and the same is hereby, amended by the insertion, after the words "manufacture and sale of brick," and before the words "and the construction of houses, &c.," of the words "and all other material for building and constructing; and said company shall dig, quarry, and mine at will, and for its purposes."

Rights enlarged.

§ 3. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 469.

AN ACT to repeal an act, entitled "An act to amend an act to establish a levy and county court for Jefferson county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to amend an act to establish a levy and county court for Jefferson county," approved March 5th, 1869, be, and the same is hereby, repealed.

§ 2. That all appeals and traverses from justices of the peace in Jefferson county, also all suits or proceedings on bonds, on distress warrants, or attachments for rent, taken or sued out in said Jefferson county court, or brought there by appeal or otherwise, and all civil actions and special proceedings for the recovery of money or property pending in said court, shall, as soon as this act takes effect, be transferred to the Jefferson court of common pleas.

Certain actions transferred to common pleas court.

§ 3. That as soon as this act takes effect, the Jefferson court of common pleas shall have exclusive jurisdiction of all appeals from justices of the peace in Jefferson county, also of all proceedings on bonds taken under distress warrants or attachments for rent, where the amount of the bond, exclusive of interest and costs, shall exceed fifty dollars; and the said Jefferson court of common pleas

Jurisdiction of common pleas court extended.

1874.

shall also have jurisdiction, concurrent with justice of the peace in Jefferson county, of all civil actions or special proceedings where the amount in controversy, exclusive of interest and costs, exceeds fifty dollars, and does not exceed one hundred dollars. The said Jefferson court of common pleas shall also have exclusive jurisdiction of all traverses in cases of forcible detainer, and of forcible entry and detainer, sued out in Jefferson county.

§ 4. This act shall take effect and be in force from and after the 1st day of September, 1874.

Approved February 23, 1874.

CHAPTER 470.

AN ACT to protect certain citizens of the county of Daviess from trespasses by hunters.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful to hunt in certain district.

§ 1. That it shall be unlawful for any person or persons to hunt on the lands of the persons in the following boundary in Daviess county, Kentucky, as follows: beginning at E. C. Berry's still-house; thence with the river down to the old Buzzard Roost road; thence with that road to N. M. Lancaster's; thence to Lenn Grant's; thence with road at R. S. Price's to the Henderson road; thence with the Henderson road to the Catholic graveyard on said road; thence to the beginning. And if any person or persons are found hunting upon said grounds within said boundary, he or they shall each be fined a sum of not less than fifty dollars, which fine may be recovered in any court having jurisdiction of said sum: *Provided always*, That fox-hunters are hereby exempted from the provisions and penalty of this act.

Penalty for violating law.

Who to bring suit

§ 2. That any of the real estate owners, by title or lease, who are real occupants of the land included in the boundary set forth in this act, may, and hereby are, empowered to proceed, by warrant or petition, in any of the courts of Daviess county, Kentucky, having jurisdiction, and recover the penalty hereby prescribed for a violation of this act against any person or persons violating the provisions of same, which fine, excepting costs, shall be paid by the officer collecting same to the trustee of the jury fund, and by him to be accounted for to the Commonwealth of Kentucky.

How fines applied

Owners to have right of trespass action.

§ 3. Nothing herein shall prevent the parties within the boundary aforesaid from his right of action for damages sustained by reason of any trespass for any purpose.

§ 4. This act to be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 471.

1874.

AN ACT for the benefit of the sheriff of Henry county.

WHEREAS, The sheriff of Henry county has been sick for several weeks and prevented from attending to the collection of the revenue in said county,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That further time until the first day of October, 1874, be given him for the payment of the one third of the revenue due from said county for the year 1873: *Provided*, That two thirds of said revenue be paid into the Treasury by the first day of April, 1874: *And provided*, That the sureties of said sheriff execute and file their covenant, in writing, to the provisions of this in the clerk's office of the Henry county court, and acknowledge said writing before the clerk thereof, on or before the first day of March, 1874.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 472.

AN ACT to incorporate Nelson Lodge, No. 96, Independent Order of Odd Fellows, at Deatsville, Nelson county, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Conn, Nimrod Conn, W. A. Jackman, J. R. Jackman, James T. Arnold, John F. Wiseheart, John Shehan, James A. Davis, Thomas A. Peak, D. R. Walker, Wm. T. Vaughn, Wilhite Carpenter, and N. B. L. Kimball, and their associates, be, and they are hereby, created a body-corporate, by the name and style of Nelson Lodge, No. 96, of the Independent Order of Odd Fellows, and they and their associates and successors shall so continue and have perpetual succession; and by that name are made capable in law as natural persons to sue and be sued, plead and be impleaded, contract and be contracted with, answer and be answered, in all courts of law and equity in this Commonwealth; to make, have, and use a common seal, and the same to break, alter, or amend at pleasure; they may make and ordain regulations and by-laws for their government, and those now in force in said lodge to alter when deemed proper, and may change and renew the same at pleasure: *Provided*, They be not in contravention of the constitution, laws, and regulations of the Grand Lodge of the Independent Order of Odd Fellows, incorporated by an act approved

Corporators' names.

Name and style.

Corporate powers.

1874.

February 16th, 1838, nor in contravention of the Constitution and laws of the United States or of this State; the said corporation shall have power and authority to acquire and hold real and personal estate not exceeding twenty thousand dollars in value, and from time to time, if deemed expedient, sell and convey the same, or any part thereof, and to reinvest and dispose of the proceeds. The right to alter, amend, or repeal this act is hereby reserved to the General Assembly.

Approved February 23, 1874.

CHAPTER 473.

AN ACT to incorporate the Auburn High School.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators'
names.

Name & style.

Corporate
powers.

Term of office of
directors.

Managers to ap-
point officers.

§ 1. That J. T. Holland, J. C. Darby, John Evans, E. H. Sloss, E. G. Clark, Asa Holland, H. Woodward, and G. Lewis, and their successors, are hereby created a body-corporate and politic, by the name of the Board of Managers of the Auburn High School; and by that name may sue and be sued, plead and be impleaded, in all the courts of the Commonwealth; and by that name shall have power to contract and be contracted with; and shall have power to use a corporate seal, and change and alter the same at pleasure; but it shall not be necessary for said corporation to procure a corporate seal, but may authenticate its acts by the signature and seal of the president, attested by the secretary; shall have power to secure and hold for the benefit of said high school any lands, tenements, hereditaments, moneys, goods, or choses in action, by gift, donation, devise, contract, or purchase, which the trustees may deem necessary for the use of Auburn High School; and to do and perform all such acts as the trustees or managers of any similar institution are permitted to do or perform.

§ 2. The above named board shall hold their office until the first Saturday in July, 1875, at which time, and biennially thereafter, the stockholders shall hold an election for a board of managers, at which elections each stockholder shall have one vote, without regard to the amount of stock owned by him or her. The board of managers incorporated by this act, and any board that may be elected hereafter, shall hold their office until their successors are elected.

§ 3. The board of managers incorporated by this act shall, at the first meeting after its passage, and the board

of managers hereafter elected shall, at the first meeting after their election, or as soon thereafter as may by them be deemed practicable, choose from their body a president, to be styled the "President of the Board of Managers;" and they shall also appoint a secretary and treasurer, each of which three officers, unless removed by a majority of said board, shall hold their office for and during the continuance of the board by whom they are chosen or appointed. Should a vacancy at any time occur in any of the offices aforesaid, or in the board of managers, such vacancy shall be filled by a vote of the majority of the board remaining in office. 1874.

§ 4. The board of managers shall have power to appoint a principal of said high school, and such professors and instructors as may be necessary at any time for the instruction of the pupils therein in the arts and sciences, and in all necessary useful and ornamental branches of a thorough and liberal education; and the power to make such by-laws for the government of their own body, and such rules and regulations for the government and control of the principal, professors, and instructors, and the pupils, as they may deem expedient, and to alter, amend, or annul the same at will.

Board to appoint principal and assistants.

§ 5. The board of managers shall have power to regulate the course of studies, and to confer upon graduates of said high school such diplomas, honors, and degrees as evidence of scholarship as are usual in the institutions and colleges of this Commonwealth, the same to be signed by the president of the board of managers, the principal of the high school, and such other persons as may be determined by the board of managers.

Board to regulate studies, grant diplomas, &c.

§ 6. The treasurer shall give bond, with security, to be approved by the board of managers, for the proper disposition of moneys that may come to his hands, and for the faithful discharge of his duties.

Treasurer to give bond.

§ 7. That the real estate held by the trustees named in this act, or their successors in office, not exceeding five acres, and the necessary buildings thereon, shall be exempt from taxation for State, county, or municipal purposes.

Property exempted from taxation.

§ 8. The capital stock of said high school shall not exceed fifteen thousand dollars, to be divided into shares of twenty-five dollars, and the board of managers may open books and receive subscriptions to the capital stock at any time they desire.

Capital stock.

§ 9. This act shall take effect from its passage.

Approved February 23, 1874.

1874.

CHAPTER 475.

AN ACT submitting a proposition to the voters in district No. 4, Todd county, whether or not spirituous, vinous, or malt liquors shall be sold therein.

WHEREAS, The General Assembly of the Commonwealth of Kentucky has recently passed an act, entitled "An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth;" and whereas, doubts have arisen as to whether said act can be construed as repealing any act now in force in any district, town, or city where the sale of spirituous liquors is now prohibited by law; and whereas, by an act of the General Assembly, approved December 20th, 1871, the sale of spirituous liquors is now prohibited in the town of Elkton, county of Todd, Kentucky; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

County judge to order election on license question.

§ 1. That it shall be the duty of the county judge of Todd county, upon the petition, in writing, of (20) twenty legal voters in district No. 4, in said county, to cause an election to be held in said district No. 4, in said county, as directed under the act, entitled "An act to regulate the sale of spirituous, vinous, or malt liquors in this Commonwealth," and that the provisions of said act shall govern said election, except that if it shall be found that a majority of the legal voters of said district No. 4 have voted in favor of the sale of such liquors within the limits of such district, it shall be the duty of the examiners to certify that fact, which certificate shall be delivered to the clerk of the county court, and by him safely kept until the next regular term of the county court, at which term the judge thereof shall have the same entered of record upon his order-book; and said entry of the certificate in the order-book, or a certified copy thereof, shall be *prima facie* evidence of all proceedings under this act.

If license carries, former act repealed.

§ 2. That after the entry of the certificate of the examining board as aforesaid, the act, entitled "An act to prevent the sale of spirituous, vinous, or malt liquors in the town of Elkton, or within one mile of the corporate limits thereof," approved December 20, 1871, shall stand repealed.

Majority of voters of district to vote for license before act shall be repealed.

§ 3. That the act heretofore passed and now in force, prohibiting the sale of intoxicating spirits in the town of Elkton, and within one mile of the corporate limits thereof, shall not be repealed or amended unless a majority of all the voters in district No. 4, in Todd county, shall vote for such repeal

§ 4. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 476.

1874.

AN ACT to abolish the court of common pleas in Caldwell county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to establish a court of common pleas in Caldwell county," approved February 6th, 1871, be, and same is hereby, repealed; and so much of article ten (10), chapter twenty-eight (28), of General Statutes, title "Courts," as establishes a court of common pleas in and for Caldwell county, in this Commonwealth, is hereby repealed; and the said court of common pleas in said county is hereby abolished.

Caldwell common
pleas court abol-
ished.

§ 2. That the circuit court of Caldwell county shall hereafter have jurisdiction of all actions, motions, proceedings, and other business of which said court of common pleas has had jurisdiction under said act approved February 6th, 1871, and of all such actions, motions, proceedings, and other business as may hereafter arise.

Jurisdiction of
circuit court re-
established.

§ 3. That all actions, motions, proceedings, and other business now pending in said court of common pleas are hereby transferred to the circuit court of said county; and it is hereby made the duty of the clerk of said court to transmit to and deposit in circuit court clerk's office of said county all the papers in all actions, motions, proceedings, and other business now or heretofore pending, or which may at time this act takes effect be pending, in said court of common pleas; and all actions, motions, proceedings, or other business now pending in said court of common pleas shall be placed on the docket of the circuit court of said county, in the same manner as if originally brought in said court, and said court shall have full power and authority to hear and determine the same. The said circuit court shall have full power to hear and determine all motions, actions, proceedings, or other business that may arise out of any proceedings or actions that may have been tried in said court of common pleas, and which, but for this act, would have to be instituted in said court of common pleas.

Actions trans-
ferred to circuit
court.

§ 4. That the records of said court of common pleas shall be deemed record of said circuit court of said county, as fully and to all intents and purposes as if they had originally belonged to said circuit court, and it shall have the same power over them, and of all proceedings growing out of them, in like manner as if its own records; and the clerk and judge of said circuit court shall have full power to certify copies of same.

Records of com-
mon pleas court
made record of
circuit court.

§ 5. All acts and parts of acts inconsistent with this act are hereby repealed. This act shall take effect and be in force from and after the first day of March, 1874.

Approved February 23, 1874.

1874.

CHAPTER 477.

AN ACT to amend the charter of the city of Ludlow, in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Number of trustees.

§ 1. That the board of school trustees of the city of Ludlow, Kenton county, Kentucky, shall consist of eight members, two from each of the four wards, and a president, who shall be elected at large in said city.

School trustees to be elected, and term of office.

§ 2. That the qualified voters in each ward shall elect, at a special election to be holden on the first Saturday in July, 1874, one school trustee. Those elected in the First and Third Wards shall hold their offices for two years; and those elected in the Second and Fourth Wards shall hold their offices for one year. The president of said body shall also be elected at the same time, and shall hold his office for the term of two years.

Term of office increased.

§ 3. That when the terms of office of four members elected for one year expire, their successors shall hereafter be elected for the term of two years, at the annual election in December.

Clerk to be elected, term of office, & salary.

§ 4. That said board of trustees shall have power to elect a clerk of said body, who shall serve for the term of one year; and for his services said board may fix his salary.

§ 5. And said board of trustees shall have power to fill all vacancies occurring in that body.

§ 6. All acts or parts of acts conflicting with this act are hereby repealed.

§ 7. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 478.

AN ACT to incorporate the Bluegrass Manufacturing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

§ 1. That Edward Burgess, John F. Payne, James E. Sudduth, James W. Craig, Richard West, L. L. Herndon, George Burch, Jos. Burgess, James Smith, W. B. Gallo-way, J. W. Bradley, and E. H. Parrish, of Scott county; and Dr. A. Hurst, John Withrow, Warren Viley, Daniel Swigert, Robt. McConnell, and W. H. Graddy, of Woodford county; and Dr. R. J. Spurr, Wm. Warfield, Isaac Vanmeter, Thos. Bradley, P. Henry Thompson, and H. C. Sandusky, of Fayette county, and their associates, successors, and assignees, are hereby created a body-politic

and corporate, under the name and style of the Bluegrass Manufacturing Company; and by that name shall have perpetual succession, with power to contract and be contracted with, to sue and be sued, in all courts and places; and have and use a common seal, and alter the same at pleasure; and to make all necessary by-laws and regulations for the government of said company and the conducting of its business not inconsistent with the Constitution of the United States or the Constitution of Kentucky, or the laws made in pursuance thereof.

1874.

Name and style.

Corporate powers

§ 2. The said company shall have power and is hereby authorized to build, construct, enlarge, repair, equip, and furnish buildings or shops, with all necessary appurtenances for the manufacture, repair, or alteration of any tool or agricultural implement, or for doing any custom work in wood, iron, brass, or other metal anywhere in the counties of Scott, Woodford, or Fayette; and may receive in payment for work done or articles sold cash, notes, bonds, or stocks of any individuals or corporations, or any securities issued by any government, national, State, county, or town; and may purchase, sell, or hypothecate such securities, borrow or loan money, issue its own bonds, at any rate of interest not exceeding ten per cent per annum, and sell, negotiate, and pledge the same at such rates of discount as it may deem best; and do all other things proper and necessary to carry out the purposes herein set forth and the powers herein granted: *Provided*, That the bonds used shall at no time be greater than, nor exceed in amount, the capital stock paid or secured to be paid.

May erect, maintain, and repair manufactories.

§ 3. The capital stock of said company shall not be less than fifty thousand dollars, nor more than five hundred thousand dollars, which stock shall consist of shares of one hundred dollars each. The said shares shall be personal property, and may be subscribed, paid for, and transferred and forfeited in such manner as may be prescribed in the by-laws of the company. Each share of stock shall entitle its owner to one vote, either in person or by proxy.

Capital stock.

§ 4. Said company shall have power to manage and control its business by a board of directors, to consist of not more than twelve nor less than five members, to be determined by the stockholders, which board shall be selected out of the corporators before named, to be elected by the stockholders at their first election, which election shall take place at a time and place to be fixed upon by the stockholders. Said board of directors shall be vested with such powers as the stockholders, in their by-laws, shall direct, to be determined by a majority of said stockholders. Within ten days after a board shall have been

Directors to control affairs.

1874. elected, they shall elect one of their number as president and elect such other officers as, in their judgment, the interest of the corporation may demand. A majority of the stockholders voting shall be a valid election, and a majority of the board of directors assembled to do business shall constitute a quorum, whose acts shall be binding: *Provided*, The day of meeting shall be fully known to the individual members of said board.

Election of directors.

May make and declare dividends

§ 5. Said company may, from time to time, through its board of directors, make, declare, and pay dividends or profits, and distribute the net proceeds of sales or property of the company among the stockholders pro rata, according to the amount of stock held by each.

No individual liability of stockholders.

§ 6. The stockholders shall not be individually liable for contracts, debts, and liabilities of said company; but the stocks, privileges, rights, and properties held and owned by the company shall only be liable therefor.

Location of office of company

§ 7. The office of the company shall be in the city of Georgetown, in Scott county, Kentucky, there to remain until a majority of the stockholders shall, at a regular election, select some other place; but no place shall be selected without the limits of the counties of Scott, Fayette, and Woodford.

Not to have banking powers.

§ 8. Nothing in this act shall be so construed as to confer upon said company any banking privileges.

Property to be subject to taxation.

§ 9. Nothing in this act shall be construed to exempt any property of this company from State, county, or municipal tax to the same extent, and for the same purposes, that the property of individuals is taxed.

Elections to be annual.

§ 10. An election for members of the board of directors shall be held annually at such times and places as the directors may determine: *Provided*, That the time and place for said election shall be advertised in at least two newspapers within the three counties before named, to-wit: Scott county, Woodford, and Fayette.

§ 11. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 479.

AN ACT for the benefit of Wm. Bowe, committee for Edward Parker, a pauper lunatic, of Lawrence county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be directed to draw his warrant upon the Treasurer for two hundred dollars, to be paid out of money not otherwise appropri-

ated, in favor of William Bowe, committee for Edward Parker, a pauper lunatic, of Lawrence county. 1874.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 480.

AN ACT to authorize the county court of Pendleton county to levy a tax to pay off the railroad debt of said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That it shall be the duty of the county judge of Pendleton county to summon all of the justices of the peace for said county to meet at the court-house in Falmouth on the first Monday in April, 1874, or as soon thereafter as can be done ; and when said justices, or a majority of them, are so convened and assembled, they shall proceed without delay to levy a tax on all of the real estate in said county, not exceeding two dollars on each one hundred dollars thereof, for the purpose of paying all railroad debts owing by the county of Pendleton ; and the value of said real estate is to be the same as taken and made by the assessor for said county for the year 1873.

County judge to summon justices and levy tax.

§ 2. That it shall be the duty of the clerk of said county court, as soon as practicable thereafter, to make out and deliver to the sheriff of said county, in a book by him to be prepared for that purpose, the amount of real estate in said county, together with its value as fixed by the county assessor for said county, and the names of the owner or owners thereof, who shall receive and take the same and collect the several amounts from the various owners of land in said county, the amount that each of them is assessed with under the provisions of this act ; and for such collections of said tax he shall execute to the said court a bond, with approved security, to the effect that he will well and truly pay over and account to the proper authorities for the same ; and he shall receive the same commission on the money so collected, the same fees that he is now allowed by law for collecting revenue taxes, and no more.

Clerk to make out tax-books & deliver same to sheriff.

Sheriff to execute bond.

Fees for collecting tax.

§ 3. That the sheriff shall, in the collection of said tax, have the same and like powers to distrain and sell property that the general laws now give him in the collection of the revenue of this Commonwealth ; and he shall have until the first Monday in January of each year next after the levying of such tax to collect and pay over the same.

Powers of sheriff in collecting tax.

§ 4. That it shall be the duty of said court, on the first day of the court of claims for said county in each year,

Court to appoint commissioner and his duties.

1874. to appoint a commissioner to settle with the sheriff and receive and receipt for all moneys collected by him under the provisions of this act, and pay the same in such manner and to such persons as said court may designate, and not otherwise: *Provided, however,* That in no case shall such money be appropriated to any other purpose or for or on any other account than the railroad indebtedness of said county.

Assessment to be annual.

§ 5. That for the purpose of carrying out the intent of this act, it shall be the duty of the county court for said county, on the first day of its regular court of claims for each year, including the year 1874, to make the assessment provided for in the first section of this act, and shall, on said day, require the sheriff to execute such bond as is provided for in section two of this act: *Provided, That* after the assessment in April, 1874, the same is to be made from the assessor's book for the year in which such levy is made.

To whom sheriff's bond made payable, and penalty.

§ 6. That the bond required by this act to be given by the sheriff shall be made payable to the presiding judge of the Pendleton county court and the justices of the peace for said county, and for any violation of said bond suit may be instituted in their names, a majority of them concurring.

§ 7. This act shall take effect and be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 482.

AN ACT in relation to the Bardstown and Green River Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Board to keep road in repair.

§ 1. That hereafter it shall be the duty of the president and officers of the Bardstown and Green River Turnpike Road Company to keep in good repair and good condition for all kinds of travel all that part of said road beginning at the town of New Haven, in Nelson county, and extending ten miles south therefrom.

Tolls to be appropriated for said purpose.

§ 2. It shall be the duty of said officers to appropriate all the tolls received on the said ten miles of said road, above what is necessary to pay the expenses of the gate, if necessary, to keep the same in repair, as prescribed in the above section.

Penalty for officers failing to carry out provisions of act.

§ 3. Any person acting as an officer of said road, failing to carry out the provisions of this act, shall be fined not less than fifty nor more than five hundred dollars for each

violation thereof, to be recovered by indictment of the grand jury of same county. 1874.

§ 4. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 484.

AN ACT to amend the charter of the town of Greenville, in Muhlenburg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Greenville, in the county of Muhlenburg, be so amended as to vest the trustees of said town with power to appoint a suitable person in said town to the office of town marshal

Trustees to appoint marshal.

§ 2. But in no case shall such appointment extend beyond the August election succeeding said appointment.

§ 3. This act to be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 485.

AN ACT to amend an act, entitled "An act to reduce into one, amend, and digest the acts and amendatory acts incorporating the city of Paris."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the next ensuing election of councilmen for the city of Paris there shall also be elected by the qualified voters of said city six persons, none of whom shall be members of the city council of Paris, and all of whom shall have the qualifications now required by the charter of said city for the office of mayor. These six persons so elected shall constitute and be known as the Board of Education of the City of Paris. They shall hold office for the term of three years, or until their successors are elected and qualified: *Provided*, That at their first meeting, which shall be held on the second Monday after their election, they shall be sworn to faithfully discharge the duties of their office, and shall then be equally divided into three classes. The terms of the first class shall expire at the end of the first, of the second at the end of the second, and the third at the end of the third year, so that one third may be elected every year. They shall also at said meeting determine by lot to which of said three classes each member shall belong. Members qualified in all respects as those originally elected

Board of education to be elected, their qualifications, and term of office.

1874. shall be chosen at each annual election thereafter to fill the vacancies provided for in this section.

Corporate powers
of board.

§ 2. Said board shall be a body-politic and corporate, with power to contract and be contracted with, sue and be sued, as a natural person, and have such other corporate powers as are necessary to effectuate the object of its creation.

City to constitute
school district, &
board to control
matters.

§ 3. That the city of Paris, as defined by the act to which this is an amendment, shall constitute the common school district of Paris, in the county of Bourbon; and the board of education of the city of Paris created by this act shall have exclusive control of the pro rata of said district from the common school fund, as well as of all other funds raised by taxation within said district for school purposes, and such funds shall be paid over by the collecting officer to the treasurer of the city of Paris, to be by him held separate and distinct from all other moneys in his hands, to be disbursed only under the order of said board.

Board to appoint
teachers, &c.

§ 4. Said board shall have entire control of the appointment and removal of teachers, regulation of discipline, course of study, examinations, and other matters pertaining to the economy of the public schools in said district: *Provided*, They shall not exclude from the benefit of said schools any person within said district who is embraced by the common school law of the State, except for violation of the discipline of said schools as prescribed or approved by said board.

Additional school
tax to be levied.

§ 5. In addition to the tax of twenty-five cents on the hundred dollars of assessed property, which the mayor and council of the city of Paris are now authorized to levy for public school purposes, they are hereby authorized to levy and collect a tax of not more than two dollars per capita on each voter in said city for the same purpose; and also to borrow the sum of five thousand dollars, issue the bonds of said city for the same, pledging its faith, property, and revenues for the redemption thereof, without taking a vote of the people to authorize the same, as now required by section twenty of act to which this is an amendment.

Council may bor-
row money on
city bonds for
school purposes.

§ 6. Before borrowing said money they shall provide for the payment of the interest upon the same as it accrues, and of the debt as it matures. All of said bonds shall be signed by the mayor and countersigned by the treasurer of said city. None of them shall be sold for less than par, nor bear a greater interest than ten per cent., payable semi-annually. All money raised by sale of said bonds is to be paid over to the treasurer of said city, and by him held as provided in the third section of this act.

Council to pro-
vide for payment
of interest on
bonds.

§ 7. The five thousand dollars so borrowed is to be used by the said board only for the purpose of repairing, altering, or adding to the public school building in the city and district aforesaid; and no part of the money coming under the control of said board as pro rata from the common school fund shall be by them used for any other purpose than the payment of teachers in district aforesaid.

1874.

\$5,000 to be used to improve school property.

§ 8. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 486.

AN ACT to incorporate Franklin Colored Benevolent Society, of Franklin

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. R. Burnley, president; William Butts, vice president; John H. Perdue, secretary; King Boisseau, treasurer; and W. H. Bogan, Anderson Baker, Zach. Haden, G. W. Wade, Wesley Neely, Thomas Diving, Lewis Dawson, jr., and their successors and associates, be, and are hereby, created a body-corporate and politic, under the name and style of Franklin Colored Benevolent Society, No. 1, of Franklin, Kentucky; and as such shall have perpetual succession; may sue and be sued, contract and be contracted with, and have and at pleasure break and alter a common seal.

Corporators' names.

Name and style.

§ 2. The object and purpose of said society shall be the intellectual, moral, and social improvement of its members, and works of benevolence and charity; and for those purposes shall have power to adopt a constitution and code of by-laws for the government of said society, not inconsistent with the laws of the State of Kentucky, alter and amend the same at pleasure; and may acquire, by purchase, gift, or otherwise, real estate, books, money, or other property, not exceeding two thousand dollars in value, and they may sell and dispose of the same at pleasure; and may do such other acts, not inconsistent with law, necessary to carry out the object of the society.

Object.

§ 3. That the number, name, and duties of the officers of the said society shall continue, in accordance with the present constitution and by-laws thereof, until the said constitution and by-laws are adopted under this act, or otherwise altered or amended.

Officers.

§ 4. That said society may organize other lodges or societies, and the same shall be governed by such constitution and code of by-laws as this society shall adopt under this act.

May adopt by laws, &c.

1874.
May fix penalties
for officers.

§ 5. That said society, and any lodge of the same, may, by suitable penalties or expulsion, enforce the observance of the rules, constitution, and by-laws.

§ 6. That this act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 487.

AN ACT for the benefit of William Green and his sureties, late sheriff of Elliott county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Interest & dam-
ages on judgment
released.

§ 1. That William Green, late sheriff of Elliott county, and his sureties, be, and they are hereby, released from the payment of that part of a judgment rendered against them at the August term, 1873, of the Franklin circuit court, that relates to damages for failing to pay over his revenue. The Auditor is directed to enter a credit in their favor for the same: *Provided*, That the sheriff and his deputies shall first make affidavit before the county court of his county, and present the same to the Auditor, that no part of the damages hereby released has been collected from the tax-payer, and that the relief hereby granted shall only apply to such part of the damages that has not been collected of the tax-payer.

Additional credit
allowed.

§ 2. *Be it further enacted*, That the Auditor be, and he is hereby, directed to credit said judgment with the amount of an order drawn by the Auditor on said Green for two hundred and twenty-two dollars and — cents, in favor of the trustee of the jury fund for Elliott county for the jury deficit, at the May term, 1872, of the Elliott circuit court: *Provided*, That said sheriff and his sureties shall be responsible for any amount due any jurymen for serving on jury at the May term, 1872.

§ 3. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 489.

1874.

AN ACT for the benefit of common school district No. 1, known as Auburn district, in Logan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of common school district No. 1, known as Auburn district, in Logan county, be, and they are hereby, authorized to sell or lease to the Board of Managers of the Auburn High School the real estate and buildings thereon held by the common school trustees of said district for the benefit of the common school thereof: *Provided*, That the Board of Managers of the Auburn High School agree to and do issue to each person who holds a tax receipt or receipts for taxes paid in aid of the purchase of said real estate, or the erection of the buildings thereon, a certificate of stock in said Auburn High School, which shall state upon its face the amount of taxes paid by the persons to whom the certificate is issued, and shall secure to the holder thereof the right to one vote in the election of the board of managers of said high school; but nothing herein shall be so construed as to entitle any one person to more than one vote by virtue of holding such certificate of stock.

Trustees may sell school property to high school.

Tax receipts to be good for stock in high school.

§ 2. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 490.

AN ACT for the benefit of the Garrard county court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Garrard county court are hereby authorized to issue one thousand dollar bonds in addition to the bonds already authorized by special enactment, according to the principles and under the restrictions heretofore announced in said special enactment.

Court may issue additional bonds.

§ 2. This act takes effect upon its passage.

Approved February 23, 1874.

CHAPTER 491.

AN ACT to incorporate the Shelbyville Gas-light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That J. T. Frazier, L. W. Smith, John A. Middleton, Dr. J. Baker, John A. Geary, Edward Dowling, and

Corporators' names.

1874.

Name and style.

Corporate powers

Office.

May purchase
and hold real
estate.Shall erect gas-
works.Corporation to
have exclusive
right to furnish
gas.May lay down
gas pipes, mains,
&c.Corporators to
open books for
subscription of
stock.

P. H. Roach, and their successors, be, and they are hereby, created a body-corporate and politic, by the name of the Shelbyville Gas-light Company, for an indefinite period; and by that name shall have perpetual succession; and by that name may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; and by that name shall have power to contract and be contracted with; to have and use a common seal, to alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company and the conduct of its business, not inconsistent with the constitution and laws of this State and of the United States.

§ 2. That said company shall keep an office in the town of Shelbyville; and its business shall be to construct and establish gas-works in the town of Shelbyville, and to supply said town with gas-lights; and it may borrow money.

§ 3. That said company may purchase and hold as much land as will be required for its office and the residences of its officers, agents, and laborers, and for sites for its gas-works, and for suitable engine and other houses for their works, and said company may sell or exchange the same and purchase again; and may hold such personal estate, machinery, &c., as will be necessary and convenient for the transactions and business of the company.

§ 4. That it shall be the duty of said company, within three years after its organization, to erect and establish in the town of Shelbyville a gas manufactory of sufficient extent and capacity to supply the town of Shelbyville and the citizens thereof with all such public and private lights as may, from time to time, be required.

§ 5. That the company have the exclusive privilege of erecting, establishing, and constructing gas-works in the said town during this charter, and of vending gas-lights.

§ 6. That to enable the company to construct and establish gas-works in the town of Shelbyville, it is authorized to lay down and extend pipes and conductors through any of the streets and alleys of the town, and for that purpose to take up the pavements and to replace the same, and shall be responsible to the town for any damage which may arise therefrom, or any unreasonable delay in replacing the same; and said company shall be subject to the regulations of the city as to streets, and the same ordinances and penalties that individuals may be subject to.

§ 7. That the corporators aforesaid, or any three of them, shall be commissioners for opening books for the subscription of stock; and they, or any two of them, may advertise the time and place of opening the books in the

town of Shelbyville, and shall keep them open until not less than ten thousand dollars shall have been subscribed, when they shall be temporarily closed until after the election of the president and directors as provided in the next section, when they shall be again opened, and kept open until the whole amount of the capital stock shall have been subscribed, which amount shall be fixed and determined by said president and directors before the re-opening of said subscription books; but which stock shall not in amount exceed thirty thousand dollars.

1874.

§ 8. That when ten thousand dollars (\$10 000) in stock shall have been subscribed as aforesaid, they shall advertise the same, and call a meeting of the stockholders, giving at least ten days' notice; and the stockholders so called may elect four directors and a president, to whom shall be intrusted the real and personal estate, business, property, funds, and financial concerns of said company, and the administration of its affairs. They shall serve until their successors are chosen; and, after the first election, they shall be annually elected on the first Monday of January in each year, of which notice shall be given for ten days by notice published in at least one newspaper printed in Shelbyville. The president and directors shall fill all vacancies that may occur in their body, by death or resignation, or from failure to meet their engagements to the company with promptness.

When and how company organize.

Directors' powers and term of office.

§ 9. That the subscription of stock in the Shelbyville Gas-light Company by individuals, companies, and corporations shall be made on such conditions, as to the time and manner of payment, and as to the surety which shall be given for payment of the stock subscribed, which the commissioner may prescribe before the stock is taken: *Provided*, That the president and directors may, with the consent of the subscribers, change the conditions as to the time, manner of payment, and of security for the payment of stock, or of the installments thereof.

Terms of subscription to stock

§ 10. That if the whole stock shall not be subscribed, and it be found, after effort to that end, impossible, in the opinion of the president and directors, to secure subscriptions to the amount of the whole capital stock as fixed by them in accordance with the power granted them according to the terms of section seven (7) hereof, then they shall have power to fix the capital stock at any sum they may see fit, not exceeding thirty thousand dollars as aforesaid, and it shall be divided into shares of one hundred dollars each, and each share of stock shall entitle the holder of one vote.

Capital stock.

§ 11. That the directors may allow to the president a reasonable compensation for his services, if they so determine; but no compensation shall be allowed to a director,

Compensation of president.

1874. except by order of the stockholders; and if any of the directors, or the president, shall knowingly diminish the capital stock, by dividends or otherwise, they shall be responsible to the stockholders for the deficiency thus created.

Town of Shelbyville may take stock and levy tax to pay for same.

Question to be submitted to people.

§ 12. That the town of Shelbyville shall have the right to subscribe any or the whole number of shares in said company, and to pay for the amount so subscribed. The trustees of the town shall have the power to issue the town bonds, to bear an interest not exceeding ten per cent. per annum, payable at such times as may be determined by said trustees: *Provided*, That such subscriptions shall not be made unless a majority of the legal voters of said town shall so determine after the matter has been submitted to a public vote; but it shall be altogether within the discretion of said trustees whether said proposition to subscribe stock in said company by said town shall be submitted to a vote or not; and they may prescribe the time when such election shall be held, and the manner in which notice thereof shall be given.

§ 13. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 492.

AN ACT for the benefit of W. E. Tipton's administrator.

WHEREAS, W. B. Tipton, late sheriff of Montgomery county, departed this life on the fourth day of January, 1874; and whereas, at the time of his death he had many lists of taxes of the taxable property of Montgomery county, that had been levied by the county court of said county on the taxable property thereof, and also the State revenue tax, and which taxes were placed in his hands for collection, were accounted for and paid over by said Tipton to the county of Montgomery and State of Kentucky, and from which sources, upon his settlements as said sheriff, he received a credit and quietus; and whereas, he paid said taxes, both county and State, out of his own means; and whereas, said tax-payers, whose tax lists he held at the time of his death, had never paid or accounted to him for the same, and that taxes are still owing by said delinquent tax-payers to the estate of said Tipton; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Administrator may have unpaid taxes collected.

§ 1. That it shall be lawful for W. O. Cockrell, administrator of said Tipton, to list with the sheriff or any constable of Montgomery county said unpaid taxes for

collection, and to agree with him as to his compensation for collecting the same, not exceeding ten per cent. on the amount of each list. 1874.

§ 2. That said taxes shall have the same force when placed in the hands of said officer as they had by law when placed in the hands of said Tipton, as sheriff, for collection, and shall so remain in force for and during two years from and after the passage of this act.

Taxes to be enforceable.

§ 3. That said officer may levy and distrain for said taxes, and sell the property of delinquents to pay the same, in the same manner and on the same terms as is now prescribed by law for sheriffs to collect taxes and make all conveyances for property sold that may be necessary.

Officers may levy and distrain for same.

§ 4. That the original lien on the property of said delinquent tax-payers shall remain in full force for said two years aforesaid; but said officer shall be liable to all the pains and penalties for making illegal levies and sales of property for said taxes, or for collecting taxes that have been paid, that sheriffs are now liable to by law.

Original lien to have full force.

§ 5. That it shall be the duty of said officer to receive said taxes and proceed to collect the same when offered him by said administrator.

§ 6. That this act shall be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 493.

AN ACT to incorporate the Lexington Agricultural and Industrial Exposition Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That James F. Robinson, John A. Prall, James H. Mulligan, James A. Farra, and W. T. Hughes, and such other persons as they may choose to associate with them, be, and are hereby, created a body-politic and corporate, with perpetual succession, under the name and style of the Lexington Agricultural and Industrial Exposition Company; and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in all courts; and shall be capable of acquiring, by purchase or lease or otherwise, any quantity of land, not exceeding one hundred and fifty acres, and may impose the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of any personal estate which the president and directors may deem necessary and proper. The said association may adopt and use a corporate seal, and

Corporators' names.

Name and style.

Corporate powers

1874.

break or change the same at pleasure, and may for the time being use the private seal of their president.

May receive sub-
scriptions of
stock.

§ 2. That said company is hereby authorized and empowered to receive any subscriptions to the stock of said concern which the president and directors may deem necessary, to enable them to carry out the purposes and objects of said company; and may receive any donations of money or property by way of loans.

When and how
directors to be
elected.

§ 3. That on the second Monday in January, 1875, and on the second Monday in January in each year thereafter, there shall be elected by the qualified stockholders of said company, for the management of the affairs of said company, a president and four directors, or such number of directors, exceeding four in number, as the stockholders may hereafter determine necessary and proper for the prudential management of the affairs of said company.

Powers of direct-
ors.

§ 4. That the prudential, fiscal, and other concerns of said company, together with all its estate of every kind and description, shall be under the control and management of the president and directors aforesaid; and they shall have power to appoint a treasurer and secretary, and such other inferior officers as they may deem necessary to carry out the purposes and objects of said company; and they may require of any officer of said company bond, with good security, for the faithful discharge of his duties. They shall have power to make such regulations and by-laws, not inconsistent with the Constitution and laws of this State, as, in their opinion, may contribute to the good order, management, and prosperity of said company, and may, from time to time, modify or repeal the same at pleasure.

Subscribers to be
stockholders.

§ 5. That each and every person who has or shall subscribe to the stock of said company the sum of fifty dollars shall be a stockholder in said association, and each stockholder, for every fifty dollars of stock owned by him in said company, shall, in the election of the president and directors for same, be entitled to one vote:

Transfers of
stock.

§ 6. That the stock of said company may be assigned and transferred upon the books of said company.

May borrow
money by mort-
gage.

§ 7. That the president and directors of said company shall have power to borrow money, and pledge or mortgage the property thereof to secure the payment of the same.

Quorum.

§ 8. That two directors, together with the president, or four directors without the president, shall be a quorum for the transaction of business, unless the company shall at some regular meeting fix upon a different number.

Board to keep
record.

§ 9. That the president and directors shall keep a record of all by-laws and resolutions passed by them, as also

a fair record of all their proceedings, which shall be open to the inspection of any one interested. 1874.

§ 10. That to carry into effect the power granted in the seventh section hereof, the company may issue its bonds to an amount not exceeding twenty thousand dollars, bearing interest at a rate of interest not exceeding ten per centum per annum, payable annually or semi-annually, as said company may determine, which bonds shall run for a length of time not less than five years. May issue bond

§ 11. That the city of Lexington, by its corporate authorities, may subscribe to the capital stock of said company to an amount not exceeding five thousand dollars for and on behalf of said city, or in lieu of a subscription to the capital stock of said company, said city may, by its said authorities, guarantee the payment of the bonds of said company to an amount not exceeding that last above named; and all acts or parts of acts in conflict into this act be, and the same are hereby, repealed. City of Lexington may take stock.

§ 12. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 495.

AN ACT to amend the charter of the city of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That at the regular election to be held in the city of Cynthiana on the first Saturday in April, 1874, and at each annual election thereafter, the qualified voters of said city shall elect two trustees of the public schools of said city, to take the place of those whose term of office expires at the time of such election. The trustees so elected shall hold their office for the term of four years, or until their successors are duly elected and qualified. In case of the death, resignation, or refusal of any trustee so elected to act, the other trustees shall fill the vacancy until the next regular election, at which time a trustee shall be elected to fill the unexpired term. School trustees to be elected, & term of office.

§ 2. That the trustees of the city school shall have the entire control of the common school of said city, and shall have power to regulate, control, and supervise the same, and to levy a tax for the support thereof, not exceeding the amount now fixed by the amended charter of said city, approved February 15th, 1873. Trustees to have control of public school.

§ 3. The tax levied under the provisions of this act shall be levied only on the property of the white people, and in the same way, and collected by the same officers as are the taxes levied for the other expenses of the city, How tax to be levied and collected.

1874.

except that it shall be levied at such time as the board of trustees may provide; and, when collected, shall be kept separate and apart from the other revenues of the city, and shall be paid out only on the order of the board of trustees of the city school, and subject to such regulations as they shall prescribe.

Mayor to be
chairman of
board.

§ 4. The mayor of said city shall be *ex-officio* chairman of the board of trustees, but shall not be entitled to a vote except in case of a tie.

Clerk and treas-
urer to be elected.

Term of office
and bond.

Compensation.

§ 5. That the qualified voters of said city shall, at the regular election in said city in April, 1874, and at each regular annual election thereafter, elect a city treasurer and a city clerk, who shall each hold their office for one year, and until their successor is elected and qualified. They shall be required by the council to give bond for the faithful performance of the duties of their office; and shall be entitled to receive a compensation for their services, which shall be the amount now fixed by ordinance, until otherwise changed by the council; but no change shall be made at any time so as to take effect during the term of any one in office at the time of the change.

Qualifications of
voters.

§ 6. At all elections held in said city by the qualified voters thereof, no one shall be entitled to vote who has not, on or before the last Saturday in March of that year, paid the poll-tax assessed against him for the year in which the election is held: *Provided*, That if any person offers to pay to the treasurer of said city the poll-tax assessed in said city, who has not been listed by the assessor, it shall be the duty of the treasurer to take the list of such person, and to receive his tax and give him a receipt therefor. If the treasurer doubt whether such person is otherwise entitled to a vote, he may indorse the receipt given under protest; but the judges of the election shall have the right and it shall be their duty to pass upon the qualifications of each person offering to vote.

Qualifications of
councilmen in
contested elec-
tions.

§ 7. That the mayor and board of councilmen of said city in office at the time of the election, or if they or any of them are interested in or related to any one claiming an office, then such as are not thus disqualified shall be the judges of the qualifications and election of the officers of said city, and shall have power to decide all contested election cases in said city; and if the mayor and four or more councilmen then in office are interested in or related to the contestants, then from the councilmen last in office and not so related or interested, shall be selected by lot a number which, with those in office and not disqualified, will constitute a board of five persons to try the contest. The board formed in either mode above shall take an oath faithfully to decide the contest; and they shall make a report, in writing, to the council, which

shall be final, except that if they find that a person has received the highest number of votes who was not legally qualified to hold the office, or in case of a tie, a new election shall be ordered. 1874.

§ 8. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 496.

AN ACT to incorporate Eginton Lodge, No. 490, F. A. M., in Whitley county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John W. Siles, jr., Master, Calvin B. Stanfill, Senior Warden, and Granville P. Rose, Junior Warden, of Eginton Lodge, No. 490, of F. and A. M., be, and they are hereby, constituted a body-politic and corporate, under the name and style of Eginton Lodge, No. 490; and said body shall have perpetual succession, with legal capacity under said name and style to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in all the courts of this Commonwealth and elsewhere; and to have and use a common seal, and to alter the same at pleasure.

Corporators' names.

Name and style.

Corporate powers

§ 2. That said corporation shall have power to take and hold by purchase, gift, or devise, any real or personal estate, not exceeding in value ten thousand dollars, and to sell or dispose of and convey same at pleasure.

May acquire real estate.

§ 3. That service of notice or process on the Master or Secretary of said Lodge shall be sufficient notice to said corporation.

Service of notice.

§ 4. That said corporation shall have power to pass all such by-laws, rules and regulations, not inconsistent with the general laws of the land, as said corporation may deem expedient for the control, management, and preservation of the property, interests, and concerns of the Lodge.

May pass by-laws, &c.

§ 5. The incorporators may issue bonds for sums not less than twenty-five dollars, payable in five years, and bearing interest at a rate not exceeding ten per cent.; but the whole amount issued shall not exceed four thousand dollars.

May issue bonds.

§ 6. This act shall take effect from its passage.

Approved February 23, 1874.

1874.

CHAPTER 497.

AN ACT to incorporate Hudsonville Lodge, No. 262, of Free and Accepted Masons.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Name and style.

Corporate powers

§ 1. That the members of Hudsonville Lodge, No. 262, of Free and Accepted Masons, in Hudsonville, Breckinridge county, Kentucky, and those hereafter admitted to membership in said Lodge, be, and they are hereby, incorporated in the name and style of Hudsonville Lodge, No. 262, of Free and Accepted Masons; and in that name shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded; and shall have the power of acquiring and holding, by purchase or otherwise, real and personal property for Masonic purposes, not exceeding in value five thousand dollars; and may at any time sell and convey the same, or any part thereof, and reinvest or dispose of the proceeds; and to pass and adopt such by-laws for its government as it may deem proper: *Provided*, The same be not inconsistent with the laws and Constitution of the United States and of this State. The said Lodge may adopt a seal, and renew and break the same at pleasure. Said Lodge may build and erect, own, and hold or purchase a hall and such other buildings as they may see fit. They may loan or cause to be loaned any money that they may have on hand, and collect the same, by suit or otherwise, in their corporate name, or transact any other business they may deem proper and right, or may have power and authority to invest their means in lands or stock, and hold or dispose of the same at pleasure.

Corporators' names.

§ 2. That to John F. Winchel, Buford C. Cook, and Wm. C. Elliott (the Worshipful Master, Senior and Junior Wardens), and their successors in office, is confided the management of the concerns of said corporation as trustees thereof, who, or a majority of whom, shall have power to make all contracts pertaining to the personal or real estate of said Lodge; and in conveying real estate they shall join in the conveyance.

Service of notice.

§ 3. That service of process upon the Master and Wardens as trustees shall be deemed sufficient notice to said Lodge. That the General Assembly reserves the right to amend, alter, or abolish this charter at any time, upon the request of a majority of all the members of said Lodge.

§ 4. This act to be in force from its passage.

Approved February 23, 1874.

CHAPTER 498.

1874.

AN ACT to amend an act, entitled "An act to incorporate the Kentucky Association for the Improvement of the Breed of Horses."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the act, entitled "An act to incorporate the Kentucky Association for the Improvement of the Breed of Horses" be, and the same is hereby, amended as follows :

§ 1. Said association shall have power to let or lease or rent unto any agricultural or other society organized for the purposes contemplated in the act of which this is an amendment, the grounds and improvements belonging to said association.

May rent out lands.

§ 2. The officers of said association are hereby authorized to appoint as many citizens of this State policemen as may be necessary for their exhibitions, whose duty it shall be to preserve order within and around the grounds of the association, to protect the property within said grounds, to eject all persons who shall be guilty of disorderly conduct, or who shall fail or refuse to pay the entrance fee or observe the rules prescribed by the association. Such policemen shall have such power, during the time such exhibitions shall continue, as a sheriff or constable may have by law in serving criminal process, and in making arrests, and, in addition, may arrest any person for the commission of any offense mentioned in this act.

Officers may appoint police.

Powers of police.

§ 3. Any person who shall willfully injure or destroy the property of exhibitors or of lessees, or of the association, upon or within the hereinafter prescribed limits around the grounds of the association, or who shall hinder or obstruct the officers or police in the performance of their duties, or shall wrongfully or maliciously obtain admission to the grounds contrary to the rules of the association, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not less than one nor more than ten dollars, or imprisonment not exceeding (10) ten days, at the discretion of the court before whom the offender shall be tried. All fines imposed and collected under this act shall immediately be paid to the treasurer of said association for its use and benefit. All policemen appointed by the association shall be paid by it, and shall make no charge against the town, county, or State for any services they may render under such appointment.

Penalty for trespassing.

§ 4. The officers of the association shall have power to prevent the sale of spirituous liquors, to suppress all kinds of gaming, and also to regulate or prevent any kind of theatrical, circus, or mountebank exhibition or shows, and

Association to prevent gaming, liquor selling, &c.

1874. all huckstering or traffic in fruits, wares, and merchandise of whatever description, for gain, on any days of the association's exhibitions, as well within its grounds as within a distance of one hundred feet therefrom, if, in the opinion of said officers, the said exhibitions, shows, traffic, or hucksterings shall in any way obstruct or interfere with the free use of the grounds of the association, or obstruct any of the highways around or approaching the same. And the police appointed by said association shall possess the same powers for the space of one hundred feet from said grounds as are hereinbefore vested in them within the same, and shall be under the same control of the officers of the association within that space; and the same fines and penalties shall be incurred for any violation of the rules and regulations of said association within one hundred feet of its grounds as are hereinbefore prescribed for any violation of the rules and regulations within said grounds.

Police regulations
to go with lease-
hold.

§ 5. Any agricultural or other society, such as is contemplated by the first section of this act, to whom the Kentucky Association shall lease or rent said grounds, shall, during any exhibitions held by such society, have the same powers for the preservation of order, and the suppression of disorder within and around said grounds, as are hereby conferred on the Kentucky Association; and any one violating the rules and regulations of said society during the time of such exhibitions within or hereinbefore prescribed limits, around and upon said grounds, shall be liable to the same penalties as are hereinbefore prescribed for violation of the rules and regulations of the Kentucky Association.

§ 6. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 499.

AN ACT to amend an act, entitled "An act incorporating the Sherburne Bridge Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Voting power of
stockholders.

§ 1. That an act, entitled "An act incorporating the Sherburne Bridge Company," approved March 9, 1854, be, and the same is hereby, so amended that each shareholder shall be entitled to one vote for each share of stock he may own, not exceeding twenty; each shareholder of stock over twenty shares and under thirty shall be entitled to one vote for every five shares over twenty; and each shareholder of stock over thirty shares shall be entitled to one vote for every ten shares over thirty.

§ 2. That no person shall be eligible to the office of **1874.**
President or director in said company unless he is the **Qualifications of**
owner of stock in the same. **directors.**

§ 3. That this act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 500.

AN ACT to cause certain books to be indexed belonging to the office of the Whitley quarterly court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be the duty of M. L. Davis, judge of the quarterly court for Whitley county, to index or cause to be indexed the order-book and the execution-book belonging to the office of the Whitley quarterly court. **County judge to have books indexed.**

§ 2. That when the above books are indexed, as required in section one, the court of claims shall make said county judge a reasonable allowance for his services as herein required, to be paid out of the county levy of said county. **Court of claims to pay for said indexes.**

§ 3. This act shall be in force from its passage.

Approved February 23, 1874.

CHAPTER 501.

AN ACT to amend an act, entitled "An act to incorporate the World's Fair Association, of Woodford county," approved February 19, 1873.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the World's Fair Association, of Woodford county," approved February 19th, 1873, be amended in its first section as follows: that the words "of Woodford county," after the words "World's Fair Association," be stricken out, and the words "to be held" be inserted in their stead; and that the word "Woodford" be inserted after the word "of," and before the word "Fayette," so as to read after the words "name of the" World's Fair Association, to be held near the borders of Woodford, Fayette, and Scott counties, and after the word "counties" insert the words "as the directors may elect;" and that the word "ten," in section second, be stricken out, and the word "forty" be inserted in its stead; and in section seventh, that the word "spirituous," in the first line, be stricken out, and the words "malt, fermented, or distilled" be added in its

1874.

stead; and the words "or within one mile thereof" be added after the word "exhibition," in the third line of said section.

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 502.

AN ACT for the benefit of D. S. Carroll, of Grayson county.

WHEREAS, D. S. Carroll, of Grayson county, was elected constable of Caneyville district on the first Saturday in May, 1873, while on a bed of affliction. He was confined to his room from ill-health until the time expired for executing his bond of office, thereby disabling him from holding office for two years.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. S. Carroll, of Grayson county, is relieved from all disabilities imposed on him by law for failing to execute bond as constable of the above county in the year 1873.

§ 2. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 503.

AN ACT to incorporate the Catholic Cemetery of Lexington, Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names. Name and style. Corporate powers	§ 1 That A. M. Toebbe, J. H. Bekkers, Jas. H. Mulligan, D. G. Falconer, and Timothy Anglin; and their successors, associates, and assigns, be, and they are hereby, created a body-politic and corporate in law, under the name and style of "The Catholic Cemetery of Lexington, Kentucky;" and by that name shall be capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, answer and be answered, in any court; to have and use a common seal, and the same change or alter at pleasure; and to do all things that may be necessary to effect the purpose of this act.
---	--

May acquire real estate for burial purposes.

§ 2. The said corporation shall have power to hold, by purchase, gift, grant, or devise, any quantity of land in the county of Fayette, not exceeding one hundred acres; and may receive a conveyance therefor in fee-simple, with such covenants as they may think proper; the land

and appurtenances, when conveyed, shall be for a cemetery and ornamental grounds connected therewith. Said grounds, fixtures, trees, shrubbery, and every thing connected therewith, or growing therein, shall be forever exempt from taxation and from execution, and from levy and sale, on account of any judgment or decree for any debt or demand whatever, and shall be forever dedicated for a Catholic Cemetery: *Provided*, That this act shall not prevent the acquisition of the right of way for streets or railroads through said land as through other land in this Commonwealth. The corporation may receive by devise, bequest, gift, or donation, any legacies, gifts, or donations to them, to be used in ornamenting and improving said cemetery; and they may invest their surplus funds, if any they have, in any State or United States stocks or bonds, or loan the same on approved security; but they shall never exercise banking powers.

1874.

§ 3. The proceeds of sales of lots, and all money coming to said corporation from any source, shall be first applied to the payment of the purchase money, if any is unpaid, and then to the improvement and ornament of the grounds and payment of incidental expenses.

How corporate funds to be applied.

§ 4. The affairs of said corporation shall be managed by a board of five directors, and said board shall be composed of the following named persons: A. M. Toebe, J. H. Bekkers, James H. Mulligan, D. G. Falconer, and Timothy Anglin. They shall elect of their number a president, secretary, and treasurer, and they shall have power to fill any vacancy in said board at any time.

Directors to control affairs.

§ 5. When a burial lot is purchased and paid for, the corporation shall give to the purchaser a certificate of the same, signed by the president and countersigned by the secretary, and under the seal of the corporation, which certificate shall vest the purchaser with title to said lot. Said certificate shall be assignable so as to pass the title to said lot: *Provided*, The same is assigned, in writing, on the certificate, and signed by the assignor, and that the board of directors consent to the same, and that it is recorded in the book to be kept by the corporation wherein they shall record all sales and transfers of lots, and to whom sold or transferred. Said lots shall descend and pass by devise as other real estate; but they shall never be used or appropriated to any other purpose than Catholic burial lots; and if used or applied to any other purpose or use, they shall revert to the corporation, who shall have power to cancel and annul the certificate.

Purchasing of lots to have deeds from directors.

How titles may be transferred.

§ 6. The corporation shall keep a record of all sales and transfers of lots, and also an accurate account of all money received from the sale of lots or other sources, and the amounts expended in the improvement and ornament

Corporation to keep record.

1874. of said ground, and other expenditures; and they shall always preserve an accurate map of the ground and lots, and shall have the same recorded in the clerk's office of Fayette county court.

General powers
of corporation.

§ 7. The corporation shall have power to lay off and ornament any ground now belonging to them or hereafter acquired by them, and to alter and repair the same as they may think proper, and to sell said burial lots either at public or private sale, to regulate the mode in which bodies shall be interred, and make such lawful regulations in regard to said cemetery as may be necessary and proper; they shall also have power to appoint a superintendent or sexton and officers as they may deem necessary, and prescribe their duties, fix their salary, and may require them to give bond, with security, for the performance of their duties; they shall hold their office during the pleasure of the board of directors.

Penalty for tres-
passing.

§ 8. If any person shall maliciously and forcibly, and without right or lawful authority, violate any of the graves of the dead, or any vault that may be erected on said ground, or shall willfully deface any of the tombstones, monuments, or inclosures, or willfully injure any of the trees, shrubbery, fixtures, or buildings, or in any manner damage the grounds of said corporation, such person or persons so offending, besides being liable to an indictment for a misdemeanor and punishable according to the discretion of a jury, shall be liable to the corporation in an action of trespass, and the damages shall be applied to restore, as far as possible, the injury that has been done; and any balance shall go to the general use of said corporation.

§ 9. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 504.

AN ACT for the benefit of T. S. Ward, jailer of Harlan county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That T. S. Ward, jailer of Harlan county, be, and he is, permitted to live in his dwelling-house in Mount Pleasant, instead of the house prepared by the county, adjoining the jail, without forfeiting his office as jailer of Harlan county.

§ 2. This act to be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 505.

1874.

AN ACT enlarging the corporate limits of the town of Falmouth.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That hereafter the corporate limits of the town of Falmouth, Pendleton county, Kentucky, shall be embraced within the following boundaries, to-wit: beginning at the point or junction of Main and South Licking rivers, at ordinary low water mark; thence up said South Licking river at ordinary low water mark to a point so far above the present northwestern corner of said town that a line run parallel with the western boundary of same will include the tier of lots laid off by J. G. Coleman adjoining the Kentucky Central Railroad; thence across the road leading from Falmouth to Woodson's, commonly known as the race-track, to a point so far south that a line parallel with the southern line of said town will include the property known as the Swoope property, to the Cynthiaana road; thence with the center of said road, in a southerly direction, far enough to include the property known as the Hauser subdivision of said town; thence with the southern and eastern boundaries of said subdivision to the southeast corner of said town; thence to the Main Licking river at ordinary low water mark, and with said river at said low water mark to the place of beginning.

Corporate limits extended.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 506.

AN ACT prohibiting the sale of ardent spirits in the county of Powell on the Sabbath or election days.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person to sell, vend, give, or loan any ardent, vinous, malt, or intoxicating liquors in the county of Powell on the Sabbath or election days.

Sale of liquor on Sabbath prohibited.

§ 2. Any person violating the first section of the provisions of this act shall, upon conviction (after indictment by a grand jury), be fined in any sum not less than fifty nor more than one hundred dollars.

Penalty.

§ 3. This act shall take effect in thirty days after its passage.

Approved February 23, 1874.

1874.

CHAPTER 507.

AN ACT to amend an act, entitled "An act to incorporate the town of Booneville, in Owsley county," approved March 1st, 1847.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Boundary.

§ 1. That the boundary of the town of Booneville, in the county of Owsley, shall be as follows: beginning on the east side of the South Fork of the Kentucky river opposite the mouth of the Sog branch, just below the Booneville steam mill; thence down said South Fork on the east side as it meanders to a point opposite a cliff near the graveyard; thence a straight line to S. P. Hogg's, including said Hogg; thence a straight line to E. Winne's, including said Winne; thence a straight line to the beginning; and the territory embraced in this boundary is hereby declared to be the extent of the limits of said town.

§ 2. That the election of the officers hereafter enumerated shall be held at such place, and in such manner, as shall be prescribed by ordinance.

Police judge and marshal to be elected, and term of office.

§ 3. That there shall be a police judge and town marshal for said town, and that all persons living in said town limits, who have a right to vote for members of the General Assembly, shall have a right to vote for the trustees, police judge, and town marshal of said town. That said police judge shall be elected once in every four years, and the marshal once in every two years, at the same time and place of voting for trustees; and in case of vacancy of any of said officers, either by death, resignation, removal, or other cause, the said voters shall fill such vacancy by another election, ten days' notice to be given of all elections held under this act, in writing, by the police judge or any member of the board of trustees; some notices, in writing, to be posted up in two of the most public places in said town. The first election of all the offices aforesaid shall be held on the first Saturday in April, 1874, and thereafter for trustees on the first Saturday in April every two years; and no person shall be eligible to police judge or member of the board of trustees or marshal who is not a resident of said town, and a qualified voter therein.

Power and duties of police judge.

§ 4. That before the police judge enters upon the discharge of the duties of his office, he shall receive a commission from the Governor of Kentucky, which shall be given upon the trustees certifying to the Governor that he has been elected to fill said office; and before said police judge enters upon the duties of his office, he shall take the same oath required by the Constitution and laws of this State of county judges. The said police judge

shall have jurisdiction of all cases criminal, civil, and penal, which may occur within the limits of said town, as justices of the peace have; he shall have exclusive jurisdiction of all offenses arising under the by-laws of said town, issue warrants, render judgments, and issue executions accordingly. The cases arising under a violation of any of the by-laws of said town shall be tried as soon as practicable. Said police judge shall hold the first quarterly term of his court for the trial of civil cases of which he is given like jurisdiction with justices of the peace, on the fourth Monday of May, 1874, and thereafter on the fourth Mondays in August, November, and February, of each year. Said police judge shall have power to sit as an examining court in the trial of felonies as conferred by law on county judges. It shall be the duty of said police judge to keep a fair and just record of his proceedings, certified copies of which shall be evidence in other courts, and have the same weight and effect as certified copies of the records of justices of the peace and county court judges have. He shall have power to issue summons for witnesses, to coerce their attendance by process, and fine persons for contempt, in a sum not exceeding five dollars. He shall have power to order a jury to be summoned in like cases with justices of the peace. He shall receive for his services the same fees as justices of the peace are entitled to, and shall in the same manner be responsible for illegal fee bills made out and collected.

§ 5. The marshal shall serve all processes and precepts to him directed, and make due return thereof, collect all taxes assessed in said town, executions, and other demands which may be put in his hands to collect, and account for and pay over the same, under the same rules and regulations required by law of sheriffs in the collection of taxes and of constables in the collection of executions or other demands; and on failure to discharge any of the duties required of him, shall be subject to the same proceedings which may be had against sheriffs and constables in similar cases. The marshal shall be entitled to the same fees for collecting the town tax that sheriffs are entitled to for the collection of the county levy, and in all other cases the same fees allowed to constables in similar cases: *Provided, however,* That said police judge shall have power to direct his process to any constable of Owsley county; and said marshal shall have and possess the same power given to constables in all cases cognizable before said police judge. That the marshal of said town, before he enters upon the duties of his office, shall execute before the board of trustees for said town a bond, payable to the Commonwealth of Kentucky, with good security, conditioned that he will faith-

1874.

Power and duties
of marshal.

1874. fully and impartially discharge the duties of his office; and before he performs the duties of constable he shall take the oath of office, and execute a bond similar to that required by law of constables, before the county court of said county.

Amendment. § 6. *Be it further enacted*, That sections six, seven, and eighteen of an act, entitled "An act to incorporate the town of Booneville, in Owsley county," approved March 1st, 1847, be so amended that wherever the words "justices of the peace" appear in said sections shall be "police judge," and so construed.

Tippling-houses. § 7. That said trustees shall have power to suppress all tippling-houses within the limits of said town, or within one half mile thereof, and fine all those who may violate their by-laws in relation thereto in any sum not exceeding fifty dollars for each offense, to be recovered before the police judge of said town.

Fines and forfeitures to be paid to treasurer. § 8. All fines and forfeitures in cases cognizable and tried before said police judge shall be collected and paid to the treasurer of said board for the use and benefit of said town, any laws to the contrary notwithstanding.

§ 9. That all laws in relation to said town, or the incorporation thereof, inconsistent with this act, are hereby repealed.

Approved February 23, 1874.

CHAPTER 508.

AN ACT to create additional voting places in the second and third magisterial districts in Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an additional voting place be, and the same is hereby, created and established at Taylor's grocery, in the second magisterial district of Kenton county.

§ 2. That an additional voting place be, and the same is hereby, created and established at White's school-house, in the third magisterial district of Kenton county.

§ 3. That at all elections the voters respectively in the said districts may vote at the voting places now fixed, or at the voting places fixed by this act, and the said votes shall be legal and valid.

§ 4. That this act shall be in force from its passage.

Approved February 23, 1874.

CHAPTER 509.

1874.

AN ACT for the benefit of the Williamsburg Masonic Institute.

WHEREAS, Sundry citizens of the town of Williamsburg, Kentucky, and the vicinity thereof, desirous of establishing a high school, have, for that purpose, united and made arrangements for carrying into successful operation the purpose aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That R. D. Hill, John Smith, Granville P. Rose, Harrison Meadow, and Sterlin Stanfill, shall be, and they are hereby, constituted a body-politic and corporate, by the name and style of the Williamsburg Masonic Institute.

Corporators' names.

Name and style.

§ 2. That the board of managers aforesaid, and their successors in office, shall have perpetual existence by the name and style aforesaid; shall have the power to use a corporate seal, and change and alter the same at pleasure; but it shall not be necessary for said corporation to procure a corporate seal, but may authenticate its acts by the signature of the president attested by the secretary; shall have power to receive and hold, for the benefit of said high school or institute, any lands, tenements, hereditaments, moneys, goods, or choses in action, by gift, donation, devise, contract, or purchase, hereafter to be had or made, as the board of managers may deem necessary for the purposes aforesaid, and may dispose of the same at pleasure; to make any contracts or agreements; to issue the bonds of said corporation in any amount said board may deem necessary; to sue and be sued in their corporate name; to plead and be impleaded in any court of law or equity in this State, and to do and perform all such acts as any similar institution is permitted to do or perform: *Provided*, They be not contrary to the laws of this State or of the United States.

Corporate powers

§ 3. That the capital stock of said corporation shall not exceed ten thousand dollars, to be divided into shares of fifty dollars each, eight hundred dollars of which shall be subscribed before said board proceed to act under this charter.

Capital stock.

§ 4. That books for the subscription of stock shall be opened at such places and at such times as the board of managers shall direct, a commissioner or commissioners to be appointed by the board of managers to open said books. The subscribers must enter into an obligation of the following import: "I promise to pay to the Williamsburg Masonic Institute fifty dollars for each share of stock set opposite my name, to be paid in such manner and

Books of subscription to be opened.

1874. proportions, and at such times, as may be required of me by the board of managers of said institution."

May issue bonds.

§ 5. That said board of managers shall have the power to issue, to an amount not over two thirds of the stock subscribed, coupon bonds of said corporation of fifty dollars each, payable not exceeding ten years after date, bearing interest at the rate of ten per cent. per annum, payable annually; said bonds to be signed by the president and countersigned by the secretary of the board of managers.

Bonds and property exempted from taxation.

§ 6. That any such bonds mentioned in the fifth section of this act as may be issued, as well as any real estate that may be acquired by the corporation herein created, are hereby released and exempted from all State, county, and municipal taxation.

Term of office of managers.

§ 7. The present board of managers shall hold their office until the first Monday in January, 1875, at which time, and biennially thereafter, the stockholders shall hold an election for a new board of managers, at which election each stockholder shall have a vote in proportion to the amount of stock held by him; and the board of managers now in office, or elected at any such election as aforesaid, shall hold their office until their successors have qualified.

Managers to appoint officers, fill vacancies, &c.

§ 8 That the board of managers incorporated by this act shall, at their first meeting after its passage, and the board of managers hereafter elected shall, at their first meeting after their election, or as soon thereafter as may by them be deemed practicable, choose from their own body a president, to be styled the "President of the Board of Managers;" and they shall also appoint a treasurer and secretary, each of which three officers, unless removed by a vote of a majority of said board, shall hold their office for and during the continuance of the board by whom they were chosen or appointed. Should a vacancy at any time occur in any of the offices aforesaid, or in any of the board of managers, by death, resignation, removal from Whitley county, or from any cause whatever, the president shall call a meeting therefor, and said office or vacancy shall be filled by a vote of the majority of the board remaining in office.

May appoint and remove principal.

§ 9. That the board of managers shall have power to appoint a principal of said institute, and such professors and instructors, &c., as may at any time be necessary for the instruction of the pupils therein in the arts and sciences, and in all necessary, useful, and ornamental branches of a thorough and liberal education; and the said board of managers, and their successors, shall have power to make such by-laws for the government of their own body, and such rules and regulations for the govern-

ment and control of the principal, professors, and instructors and the pupils, as they deem expedient, and to alter, amend, or annul the same at will.

1874.

§ 10. They shall have power to hold annual commencements and public examinations, and confer such honorary degrees and diplomas as are usual in other similar schools and colleges in this Commonwealth.

May hold annual commencements, confer diplomas, &c.

§ 11. That the treasurer hereinbefore mentioned shall give bond, with security, to be approved by the board of managers, for the proper disposition of moneys that may come to his hands, and for the faithful discharge of his duties.

Treasurer to give bond.

§ 12. That this act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 510.

AN ACT to redistrict the county of Jessamine for justices' districts.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the justices' districts of the county of Jessamine be, and the same are hereby, established as follows, to-wit:

§ 2. That the area embraced within the following limits shall constitute precinct No. 1: beginning at the residence of George Brown; thence to the residence of John Q. Baker; thence to the residence of Willaby Scott; thence to the residence of James Lyne; thence to the residence of Mrs. Hulda Arnett; thence to the residence of Mrs. Lucy Daniel; thence to the residence of John W. Wilmore; thence to the residence of B. F. Miles; thence to the residence of O. A. Wilmore; thence to the residence formerly occupied by J. Henry Glass; thence to residence of A. Diderick; thence to the residence formerly occupied by Wm. Lowens, deceased; thence to residence of Isaac Bourne; thence to residence of John Simpson; thence to the beginning, including all of said mentioned residences in said precinct No. 1, and said line to touch at that part or portion of each of said residences farthest removed from the center of said precinct, and to be produced in a straight line between each of said residences.

Boundary of district No. 1.

§ 3. The following shall constitute the limits of precinct No. 2, to-wit: beginning at the intersection of the center of the Lexington, Lancaster, and Danville Turnpike Road with the southern boundary of precinct No. 1, near the residence of A. Diderick; thence south with the center of said road to the Kentucky river; thence

Boundary of district No. 2.

1874.

down said river, with its meanderings, to the line between Jessamine and Woodford counties; thence north with said line to a point due west from the residence on the estate of W. Guinn, deceased; thence by a straight line to the most northern portion of said residence; thence in a straight line to the most northern portion of the residence of Joel White; thence due east to the center of the old Frankfort road; thence with the center of said road to the center of the Lexington and Harrodsburg and Perryville Turnpike Road; thence with the center of said pike to the intersection of the same with the Nicholasville and Jessamine County Turnpike Road; thence with the center of said last named road to the boundary of precinct No. 1; thence with said boundary to the beginning.

Boundary of district No. 3.

§ 4. The area bounded as follows shall constitute precinct No. 3, to wit: beginning at the boundary of precinct No. 2, in the Jessamine and Woodford county line; thence north with said county line to the boundary of Fayette county; thence east with said boundary to the center of the Lexington, Lancaster, and Danville Turnpike Road; thence south with said center to the intersection of the northern boundary of precinct No. 1; thence with said boundary to the boundary of precinct No. 2; thence with the boundary of said precinct No. 2 to the beginning.

Boundary of district No. 4.

§ 5. The following shall constitute the boundaries of precinct No. 4, to-wit: beginning at the intersection of the Lexington, Lancaster, and Danville Turnpike Road with the northern boundary of precinct No. 1; thence north with the center of said road to the Fayette county line; thence east with said line to the Kentucky river; thence down said river to Carver's ferry; thence with the Carver's ferry road to the Nicholasville and Kentucky River Turnpike Road; thence with the center of said pike to the eastern boundary of precinct No. 1; thence with the boundary of said precinct No. 1 to the beginning.

Boundary of district No. 5.

§ 6. Precinct No. 5 shall be composed of the remainder of said county, and shall be bounded as follows: beginning at the intersection of the southern boundary of precinct No. 4 with the Kentucky river, at Carver's ferry; thence down said river with its meanderings to the eastern boundary of precinct No. 2; thence north with said boundary to the southern boundary of precinct No. 1; thence with said boundary to the southern boundary of precinct No. 4; thence with said southern boundary to the beginning.

Places of voting in several districts

§ 7. That the place of voting in each of said precincts shall be, and the same is hereby, established as follows,

to-wit: in precinct No. 1 (one), the court-house; in precinct No. 2 (two), Lee's shop; in precinct No. 3 (three), the school-house near Harvey Huggins', on Lexington and Harrodsburg and Perryville Pike; in precinct No. 4, Coffman's shop; in precinct No. 5, Woodard's shop, in Sulphur Well. 1874.

§ 8. All laws and parts of laws in conflict with this act are hereby repealed.

§ 9. That at the general election to be held in August, 1874, the provisions of this act shall be submitted to the qualified voters of Jessamine county, and if a majority decide in favor of said act, it shall be the law and in full force and effect, otherwise to be null and void; but at said election there shall be two voting places in district No. 2, one at Dr. Mizner's office in Nicholasville, and the other at Sulphur Well; and all voters residing south of a line beginning at the south boundary line of Nicholasville, and running due east to the east boundary line of said district, shall vote at Sulphur Well, and all voters residing north of said line shall vote at said Dr. Mizner's office; and the voting places hereby created and established in said district No. 2 shall not be changed until after the August election in the year 1874. Act to be submitted to people.

§ 10. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 511.

AN ACT to incorporate the Elizaville Station and Mayslick Turnpike Road Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That a company is hereby created, under the name of the Elizaville Station and Mayslick Turnpike Road Company, for the purpose of constructing an artificial road, upon the McAdam plan, from Elizaville Station, Fleming county, to a point on the Maysville and Lexington Turnpike Road on or near the lands of Major A. M. Peed, in Mason county. Corporate name.

§ 2. Said company shall have the right to construct a branch road, from near the residence of Dennis Burns, in Fleming county, to intersect with the Flemingsburg and Mayslick Turnpike Road on or near the lands of Hop Shanklin, in Mason county. May construct branch road.

§ 3. The capital stock of said company shall be twelve thousand dollars, to be increased or diminished as the board of directors may determine, to be divided into shares of fifty dollars each. Capital stock.

1874.

Books of subscription to be opened.

Commissioners' names.

Subscribers' obligation.

When and how corporation may organize.

Directors to take oath, appoint officers, &c.

§ 4. A book for the subscription of stock in said company shall be opened, at any time and place, under the direction of any two or more of the following named commissioners: A. M. Peed, C. W. Williams, W. T. Burns, P. O. Palmer, Dennis Burns, E. Bell, J. J. Allen, E. Burns, R. H. Wilson, and A. G. Slicer.

§ 5. The subscribers for stock shall sign the following obligation, which shall be written in a book kept for such purpose: "We, whose names are hereto subscribed, severally promise to pay to the president and directors of the Elizaville Station and Mayslick Turnpike Road Company the sum of fifty dollars for each and every share of stock set opposite our names, in such manner, and at such times and places, as shall be required by the president and directors of said company," which subscriptions may be collectable in the proper courts.

§ 6. That when two thousand dollars shall have been subscribed to the capital stock of said company, it shall be the duty of said commissioners, or one or more of them, to give notice of a meeting of the stockholders of said company, to meet at Elizaville Station, for the purpose of electing officers; said notice to be put up at three or more of the most public places on said proposed road, at least five days previous to said meeting, at which meeting at least two of said commissioners shall be present, who shall proceed to take the vote, by ballot or otherwise, in person or by proxy, of said stockholders, each stockholder having one vote for each share of stock held, for a president and four directors, who shall hold their offices for one year, and until their successors shall be duly elected and qualified. The time and place of election of officers, after the first election, shall be fixed by the president and directors, a majority of whom shall be competent to do business. The president and directors, before they enter on the duties of their offices, shall take an oath before some justice of the peace that they will faithfully discharge the duties of the respective offices without favor, according to their best judgment. They shall appoint a treasurer and such other officers as they may deem necessary, who shall hold said office or offices until his or their successors shall be appointed, but removable by and at the discretion of the president and directors. The treasurer shall give such bond and security as the board of directors may require, the obligation to be made payable to them, conditioned that he will faithfully discharge the duties of treasurer of said company, and that he will, when called on, pay the amount of money in his hands to the order of said board, and that he will perform the duties required of him by the by-laws of said company.

§ 7. The president and directors, when elected and qualified, shall be a body-corporate, in fact and in law, by the name of the "Elizaville Station and Mayslick Turnpike Road Company;" and shall have perpetual succession, and all the privileges and franchises incident to a corporation; and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of purchasing, taking, and holding, to them and their successors and assigns, and of selling, transferring, and conveying, in fee-simple or otherwise, all such lands, tenements, and estate, real or personal, as shall be necessary to them in the prosecution of their work; and to sue and be sued, plead and be impleaded, defend and be defended, in any of the courts of this Commonwealth, or any other place whatever; and to do all or every other thing which a body-politic or corporate may do. 1874.

Name and style.

Corporate powers

§ 8. The said company shall have power to locate and lay out said road and branch, receive releases, in writing, of any person or persons willing to grant the right of way for said turnpike, the use of rock and timber for the same, without charge, which being so given shall be binding to all intents and purposes; and may take the steps authorized by the general law of the State to condemn the land over which said road is to run, and stone and other materials from adjacent lands.

May lay out and locate road.

§ 9. The company shall have power and authority, in the construction of said road, to fix the width and manner of construction, its grade, and whatever else may appertain to such construction: *Provided, however,* The width of said road shall not be less than thirty feet, except in heavy cuts, and the width of metal not less than twelve feet.

May fix width and grade of road.

§ 10. The company shall have power to contract for the making of any part of said road, when the amount of stock subscribed shall be sufficient to make three miles of said road; may designate the place for the toll-gates, and charge lawful tolls on all completed road.

When construction contracts may be made.

§ 11. No person but a stockholder shall hold any office in this company. Vacancies shall be filled by the remaining portion of the board by appointment until the regular annual election.

Qualifications of officers.

§ 12. If any stockholder shall neglect or refuse to pay his proportion of stock for thirty days after the time set for the payment thereof, every such stockholder, in addition, shall pay at the rate of one per cent. per month upon the installments so called, from the time the call was made, from every delay of such payment; and if payment be delayed six months after the time set for payment, such delinquent may, by order of the board of directors, forfeit his share or shares to the corporation,

Penalty for stockholder failing to pay for stock.

1874.

together with all that may have been paid thereon; and the president, by order of the board, shall sell the said share or shares at public auction, having given ten days' notice: *Provided*, The same shall bring the balance due on said share or shares: *And provided*, That no stockholder shall be entitled to the rights and privileges of the corporation who is a delinquent, as to the requirements of the president and directors.

When gate may
be erected, and
tolls collected.

§ 13. When said road from Elizaville Station to the Maysville and Lexington Turnpike shall be completed, it shall be lawful for the company to put up one full gate where its officers may direct, and collect tolls thereat, notwithstanding said road may lack a fraction of five miles in length.

Penalty for
avoidance of toll-
gate

§ 14. That if any person, with intent to defraud the company, shall pass through any private bars or gate, or along or over any grounds or lands near or adjoining the said road or its branch, so as to purposely avoid paying toll, or shall practice any device to avoid the just payment of toll, such person or persons thus offending shall, for every such offense, forfeit and pay to the company the sum of five dollars, recoverable before any justice of the peace in like manner as other debts of equal amounts, in the name of the said company.

President to
make semi-annual
statement.

§ 15. The president shall, at the end of six months from the completion of the road, and every twelve months thereafter, make out a balance sheet of the accounts, assets, receipts, and disbursements of the company for the inspection of the stockholders; and make dividends of the clear profits, if any, and pay the same to the shareholders.

Gate keepers to
give bond.

§ 16. The president and directors shall require bond, with good security, from toll-gatherers, for the faithful discharge of their duties.

Corporation may
make by-laws,
&c.

§ 17. It shall be lawful for the company to make a set of by-laws, not inconsistent with this act and the Constitution and laws of Kentucky.

County court
may take stock in
road.

§ 18. That whenever the proper court of Mason county and the county court of Fleming county, or either or both of them, shall be satisfied that a sufficient amount of stock has been subscribed in good faith, by responsible persons, to complete said turnpike road, including the county subscription hereinafter provided for, or that portion of said road lying in their respective counties, then it shall be the duty of such court to subscribe, on behalf of their respective counties, such an amount of stock in said road company as is now authorized by existing laws authorizing the county courts or presiding judges (as the case may be) of said counties to subscribe stock in turnpike road companies, and levy the necessary tax to pay the same, or authorize its payment out of any funds that may now

be on hands in either of said counties not otherwise appropriated. 1874.

§ 19. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 512.

AN ACT to confirm and legalize the acts of the police judge of the town of Lagrange, in Oldham county.

WHEREAS, William Manly was, on the — day of May, 1873, duly elected police judge of the town of Lagrange, in Oldham county, and took the several oaths of office as required by law, but failed to get his commission from the Governor; and whereas, since his election, and taking the oaths of office aforesaid, and before the receipt of his commission, said Manly had rendered various judgments, and doubts are entertained as to the validity of said judgments; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all judgments and other proceedings rendered or done by said Manly as police judge of the town of Lagrange, from the time he took the oaths of office to the date of his commission, be, and the same are hereby, legalized and made as binding as if said Manly had been commissioned and qualified thereunder at the time said proceedings were had and judgments rendered.

Act of police judge legalized.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 513.

AN ACT to charter the South Carrollton Male and Female Academy.

WHEREAS, Sundry citizens of the town of South Carrollton, Muhlenburg county, Kentucky, and the vicinity thereof, desirous of establishing a first-class high school, have, for that purpose, united and made arrangements for carrying into successful operation the purpose aforesaid; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the literary institution heretofore established in the town of South Carrollton shall be known as the "South Carrollton Male and Female Institute."

Name institution.

§ 2. That John B. Hughes, Samuel M. Ross, A. G. Ferguson, Jack Davis, John W. Hewlett, and J. W. Wheeldon,

Corporators' names.

1874. heretofore chosen as a board of trustees, shall be, and they are hereby, constituted a body-politic and corporate, by the name and style of the Trustees of South Carrollton Male and Female Institute.

Corporate powers § 3. That the board of trustees aforesaid, and their successors in office, shall have perpetual existence by the name and style aforesaid; shall have the power to use a corporate seal, and change and alter the same at pleasure; but it shall not be necessary for said corporation to procure a corporate seal, but may authenticate its acts by the signature and seal of the president, attested by the secretary; and by said corporate name may sue and be sued, plead and be impleaded, in any court of law or equity in this State; shall have power to receive and hold, for the benefit of said high school, any lands, tenements, hereditaments, moneys, goods, or choses in action, by gift, donation, devise, contract, or purchase, subscription, heretofore or hereafter to be had or made, as the board of trustees may deem necessary for the purposes aforesaid; and may sell, lease, rent, or otherwise dispose of the same at pleasure; shall have power to ratify any contracts heretofore made by the board of trustees, and to make any contracts or agreements that they may deem in the advancement and interest of said institution; and to do and perform all such acts as any similar institution is permitted to do or perform: *Provided*, They be not contrary to the laws of this State.

May appoint officers of school, fix studies, &c. § 4. That the board of trustees shall have power to select and appoint a principal of said high school, and such professors, teachers, and instructors, as may at any time be necessary for the instruction of the pupils therein in the arts, sciences, and in all necessary, useful, and ornamental branches of a thorough and liberal education; and the said board of trustees and their successors shall have power to make such by-laws for the government of their own body, and such rules and regulations for the control and government of the principal, professors, teachers, and instructors of the pupils, as they may deem expedient, and to alter, amend, or annul the same at will.

May confer diplomas. § 5. That the board of trustees shall have power to regulate the course of studies, and to confer upon graduates of said high school such diplomas, honors, and degrees, as evidences of scholarship, as are usual in institutions and colleges of this Commonwealth, the same to be signed by the principal of said high school and the president of the board of trustees.

May remove officers. § 6. That the said board of trustees shall have full power at all times to promptly dismiss, turn out of office, or suspend any principal, professor, teacher, or instructor,

for incompetency, improper conduct, or for such behavior as is incompatible with the dignity of the station held by the delinquent.

1874.

§ 7. That the common schools of the districts (Nos. 12, 19), in which said high school is located, shall be taught in said high school, subject to the regulations of said board of trustees and the common school laws; and said board of trustees shall be entitled to receive the common school fund to which said common school districts may be entitled, and they shall have exclusive control of the pro rata of the common school fund appertaining to said districts; they shall expend the same in paying the principal or teachers for tuition, and shall have the same power to enforce the collection of the remainder of the sum required to pay the principal or teachers for teaching the five month's common school, as trustees of common schools now have.

Common school to be taught in high school building.

§ 8. That the permanent officers of the board of trustees shall consist of a president, secretary, and treasurer, who have been or shall be selected by the board of trustees from their own number; the board shall prescribe the duties and responsibilities of the officers provided for in this section, and shall require the treasurer to give bond, with security, to be approved of by the president of the board, for the proper disposition of all money that may come into his hands, and the faithful discharge of the duties of his office.

Board to prescribe duties of officers.

§ 9. That in the event of a vacancy in said board, by resignation, death, or refusal to act, the remaining members of the board shall fill the vacancy by election.

Vacancies—how filled.

§ 10. That the said board of trustees shall hold their office until the first Saturday in July, 1874, at which time, and every year thereafter, the white male voters of the common school districts in which said high school is located, shall hold an election for a new board of trustees, said board to consist of three only; and the board of trustees now in office, or elected at any such election as aforesaid, shall hold their office until their successors have qualified.

Election & term of office of trustees.

§ 11. That a majority of said board of trustees shall constitute a quorum to do business, and no act of said board shall be valid or binding unless it receives the previous sanction of a majority of all the board.

Quorum.

§ 12. That said board of trustees shall have full power and exclusive control over said high school and all the property belonging thereto; and said school property shall be exempt from all taxation.

Property exempt from taxation.

§ 13. That it shall be lawful for said board of trustees, from time to time, and at all times, to borrow money and issue their notes for said money, if necessary, for the pay-

May borrow money on bonds.

1874. ment of teachers for tuition; that the property of said high school and the patrons of said school districts in which said school is located, shall be bound for the payment of said money.

§ 14. That the trustees of said high school shall have power to hire principal and teachers for ten months, if necessary, and to pro rata at the end of five months.

§ 15. This act to take effect from the first of July, 1874.

Approved February 23, 1874.

CHAPTER 514.

AN ACT to amend the charter of the Portsmouth and Pound Gap Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Termini of road fixed.

§ 1. That the charter of the Portsmouth and Pound Gap Railroad Company, approved ———, 1865, be, and the same is, so amended that the northern terminus of said railroad shall be at or near the city of Portsmouth, Ohio, or on the south side of the Ohio river opposite or near the city of Portsmouth, and that the southern terminus of said railway shall be at or near the Pound Gap, so as to give the best passage for said road through the Cumberland Mountain.

May receive city, county, or town subscriptions to stock either in money, labor, or real estate.

§ 2. That said railroad company shall have the right to receive subscriptions of their capital stock from any county, town, city, or corporation out of the State of Kentucky, and from any citizen or other person living in or out of the State, payable in money, labor, or real or personal property. The value of the real or personal property that may be subscribed shall be fixed by agreement between the said company and the person making such subscription, and the person making the subscription shall be entitled to a certificate of stock for the amount of value of the same; thus such and the lands are to be conveyed by proper deed to, and vest in, said company. Subscriptions in lands or property may be absolute or conditional, as shall be agreed upon between the directory and the subscriber, and deeds shall be made to conform to the contract of subscription.

Corporation may sell real estate so subscribed after executing mortgage to subscriber

§ 3. Said railroad company shall have power to sell and convey any and all real estate subscribed in aid of construction of their line of road, and for such other purpose as it may deem necessary and proper: *Provided, however,* That before the said company shall sell and convey any of said lands, it shall first execute to the stockholder who subscribed the same, or any person chosen by them

for their use, a mortgage, properly executed, upon so much of their line of road as shall have been completed, and be unencumbered by debt, as will, according to its costs or worth, be equal to the amount subscribed, to be held by him or them respectively as an indemnity against loss by the failure of the company to finish the whole line of road, and equip the same, free of debt and encumbrance, and shall declare dividends on its capital stock. If, however, the stockholder shall fail or refuse to choose a person to receive the indemnity for him, said railroad company may execute the deed of mortgage to the judge of the county court where the land lies, as trustee for said stockholder. Said deed of mortgage shall be recorded in the clerk's office of the county court where the land to be sold lies, and shall be executed by the president of said company, upon an order of the board of directors of said company, after notice to such stockholders. The more effectually to carry out the purposes of this provision, said company is authorized to establish and recognize two classes of stockholders: one class to consist of subscribers to the capital stock of said company as ordinary subscribers without indemnity for stock subscribed, and the other class shall consist of those who shall subscribe real estate to the capital stock of said company, and for whose benefit indemnity shall be given before a sale can be made of the land subscribed by them respectively as herein set out; but, in other respects, said two classes of stockholders shall be on the same footing, except that the ordinary stockholders, in consideration of the greater risk taken by them, shall be entitled to the increased value of the property subscribed by the indemnified class, if any, to be added to the stock of the ordinary class, or the same may be divided among the ordinary class, if a sale shall be made, as the board of directors may deem right and proper; but no sale of lands subscribed shall be made until the mortgage shall be executed to the stockholder who subscribed the same, as hereinbefore required.

1874.

Classes of stockholders.

§ 4. Said Portsmouth and Pound Gap Railroad Company may acquire and hold real estate by gift, lease, or purchase, and may sell and convey the same at pleasure; and it may mine for ores, coal, or other substances which it may deem necessary to increase the tonnage of its road; and may construct and operate branch railways over the lands of others, from its main line of road to any point it may deem necessary, to any coal or ore mines belonging to it or others. The right of way shall be condemned in the same way as prescribed by law for right of way for "Turnpike and Plank Roads" in the general laws of this State.

Powers of corporation.

1874.

Rate of taxation.

May connect or
consolidate with
roads.Company may
condemn lands to
establish ferry at
Portsmouth.Proceedings to
condemn right of
way for road.

§ 5. That said line of railroad nor any of its branches shall ever be taxed beyond other roads or its actual value.

§ 6. That said railroad company, a majority of the holders in value of the stock in said company consenting, may connect with and lease and operate for any number of years any railroad connecting with the line of said Portsmouth and Pound Gap Railway, or any of its branches; but such consolidation or lease shall in no wise affect the indemnified class of stockholders herein provided for.

§ 7. Said Portsmouth and Pound Gap Railroad Company may condemn the lands on the Ohio river at or near the northern terminus of its railroad, and establish and run a steam ferry-boat. The lands condemned by virtue of this act shall be condemned in the same manner as is now prescribed by law in establishing ferries in this Commonwealth, and the ferry, when established, shall be subject to the same restrictions now prescribed by law in this State in regard to ferries in general.

§ 8. That said company shall have the right to receive, by donation or condemnation, the right of way for its line of road or any of its branches; and when it shall be necessary to condemn the right of way for said road, application shall be made to the county court by said company, through its president, to the county court of the county in which the land or a greater part thereof is situate sought to be condemned, for the purpose of having the right of way condemned, and it shall be the duty of said court to appoint those commissioners, two of whom shall be residents of the county where the land lies, and freeholders, and the other an engineer of said company, who shall be first sworn to faithfully and impartially discharge their duties under this act to the best of their skill and judgment; and they shall view the land sought to be condemned, and fix the value of the land taken for road purposes, and the damages resulting to the residue of the tract of land over which said road runs, and above the advantages derived by the building of said line of road, and the amount of damages to any and all persons having an interest either in the land or use thereof; and they shall make out certificates of their assessments thus made, and file one in the office of the clerk of the county court by whom said commissioners were appointed, and deliver one to the agent or president of said railroad company. Said certificate shall describe the whole tract of land through which said line of road runs, and the portion thereof proposed to be condemned, the value of the land taken, and the damages to the residue of the tract, if any, over and above the advantages, to whom the same should be paid and the amount payable to each, and the residence

of the person or persons to whom the same is payable, if known, and whether they or either of them is a *feme covert*, infant, or idiot or lunatic. The clerk of the county court shall, immediately on the filing of such certificate in his office, issue a summons directed to the sheriff of the county of the residence of the owner of the land or having an interest, or is damaged by reason of the running of said line of road over the tract of land sought to be condemned, which summons shall command said sheriff to summon the person or persons named in said certificate filed in his office to appear in said court at its next term, if more than ten days shall intervene after the filing of said report and the next term of said court; if less than ten days, then the second term after the filing of said report, and show cause, if any, why said report shall not be confirmed, and the right of way condemned at the value and damages fixed in the commissioners' certificate. Said report shall be placed on the docket of said court and stand for trial at the next term after the service of summons shall be made for more than ten days. Summons shall be served in the same manner as now provided by law in equitable actions in circuit courts. If the owner of the land taken, or any one having a use therein, shall be a non-resident, infant, or person of unsound mind, it shall be the duty of the court to appoint an attorney to defend for a non-resident, and guardian *ad litem* to defend for an infant or person of unsound mind, if there shall be any such interested, and certified by the commissioners as entitled to compensation. If an attorney or guardian be appointed, he shall file written exceptions to said report, which shall be formal, and the same shall stand for trial at the next term after the appointment of such attorney or guardian shall be made; and if the person summoned, as before herein required, shall appear and file exceptions to said certificate, it shall be the duty of the court to empanel a jury and proceed to try the same, and correct the damages allowed by the commissioners; but a postponement of the trial of said exceptions may be had for good cause shown. The jury and county court shall inquire of and ascertain the value of the land sought to be taken, and the damages to the use of the land taken, and the damages to the use of the balance of the tract over and above the advantages resulting to the balance of the tract by reason of having the road constructed through it. The finding shall state each item separately, and what part shall be paid to each party in interest in the matter, and judgment shall be entered up accordingly.

§ 9. Said company shall have the same right to have condemned, in the same manner as provided for in the

1874.

May condemn
stone or other
materials as under
preceding section

1874. preceding section, all necessary stone or other materia for the construction of their line of road; but it shall not have the right to enter on the lands condemned, nor take the stone or other necessary material, until the assessed damages shall be paid the party entitled to receive the same, or deposited with the clerk of the county court where the proceedings are had.

§ 10. Nor shall said company have the right to have condemned more land than is necessary for the completion and maintenance of its lines of road.

§ 11. This act shall take effect and be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 515.

AN ACT for the benefit of T. D. Rutledge, of Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed \$83 95.

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the State Treasurer in favor of T. D. Rutledge, of Daviess county, for the sum of eighty-three dollars and ninety-five cents (\$83 95), for expenses incurred and paid by him in transporting Joseph Rutledge, a lunatic, to the Fourth Kentucky Lunatic Asylum.

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 516.

AN ACT for the protection of livery-stable keepers in the town of Milton, Trimble county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Keepers of livery
stables to pay li-
cense.

§ 1. That it shall be unlawful for any person in the town of Milton, in the county of Trimble, to let or hire out any horse, buggy, carriage, or other vehicle, for the transportation of persons, until he shall have paid into the treasury of said town the sum of ten dollars as a license.

Penalty.

§ 2. That any person violating any of the provisions of the preceding section shall be liable to a fine of not less than two nor more than five dollars, to be recovered be-

fore the police judge of said town, or any justice of the peace residing therein. 1874.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 517.

AN ACT for the benefit of the sheriff of Daviess county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the sheriff of Daviess county shall have the further time until the second Monday in April, 1874, in which to report an additional list of revenue delinquents for the year 1873.

Allowed further time to file delinquent list for 1873

§ 2. Provided the securities of the said sheriff shall consent, in open court, to remain bound, and to take no advantage of the delay herein granted.

§ 3. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 518.

AN ACT to prevent trespass in Madison county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. If any person shall willfully cut down, impair, or destroy any tree on the land of another person, or without the consent of the owner pull down the fence, or destroy or impair, or carry away the vegetables, fruit, or any part of the crop, whether it be severed or not from the ground, shall be fined not less than ten nor more than fifty dollars, or imprisoned in the county jail not less than five nor more than twenty days, or both so fined and imprisoned.

Penalty for trespassing on lands or crops.

§ 2. If any person shall hunt upon the land of another without his or her consent, he shall be fined not less than ten nor more than twenty-five dollars for each offense, or imprisoned not less than five nor more than twenty days, or both so fined and imprisoned.

Penalty for hunting without owner's consent.

§ 3. For any violation of this act, jurisdiction is hereby conferred on the county judge, police judges, and any justices of the peace of Madison county.

Jurisdiction conferred on county court.

§ 4. This act shall only apply to the county of Madison, and shall take effect from and after the first day of May, 1874.

Approved February 23, 1874.

1874.

CHAPTER 520.

AN ACT for the benefit of A. Graham, of Clinton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Allowed \$83 04.

§ 1. That the Auditor of Public Accounts be directed to draw his warrant on the Treasurer for the sum of eighty-three dollars and four cents (\$83 04) in favor of A. Graham, of Clinton county, committee of James E. McDowell, pauper lunatic, for conveying said lunatic to the Fourth Lunatic Asylum and back to Clinton county, the Superintendent of said Asylum refusing to receive said lunatic.

§ 2. That this act take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 522.

AN ACT to amend an act, entitled "An act to amend the charter of the Shelby and Oldham Turnpike Road Company."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That section three of an act to amend the charter of the Shelby and Oldham Turnpike Road Company be so amended as to require the present stockholders in said turnpike road, and their successors, to work on and keep in order said road; and said stockholders and their successors shall not be required to work on any other road: Mrs. Thomas Vincent's hands, and those living on the farm, are included.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 523.

AN ACT for the benefit of T. W. Samuels, late sheriff of Nelson county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Allowed two
years to settle up
business.

§ 1. That T. W. Samuels, late sheriff of Nelson county, by and with the consent of his securities, given in open court, shall be allowed two years' additional time, as now provided by law, in which to collect, settle, and wind up his business as sheriff of Nelson county. It is further provided that said T. W. Samuels shall have full power and authority, during the year 1874, to return a delinquent

list for county liens for the year 1868; and said delinquent list, when accepted by the county court of Nelson, shall be legal and binding. 1874.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 526.

AN ACT to regulate and make uniform the jurisdiction of police officers in the counties of Webster and Monroe.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the police judges and town marshals of all incorporated towns in the counties of Webster and Monroe, shall only have jurisdiction within the corporate limits of the respective towns of said incumbents. Jurisdiction confined to limits of respective towns.

§ 2. All acts or parts of acts in conflict with this act are hereby repealed.

§ 3. That this act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 527.

AN ACT to amend an act, entitled "An act to incorporate the town of Providence, in Webster county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the town of Providence, in Webster county," approved February 17th, 1871, be, and the same is hereby, so amended that section first shall read, viz: that the town of Providence, in Webster county, be, and the same is hereby, incorporated; and the town limits shall commence at J. O. McKinstry's new dwelling, running thence south to the railroad; thence with railroad survey to the well at the William Head old tanyard; thence to a building known as the "Bowling" house; thence to A. G. Laughlin's; thence to the beginning; furthermore, that the occupants of, and the lots belonging to the foregoing boundary line, shall be included in the incorporation. Boundary of town

§ 2. The board of trustees of said town shall have power to tax hotel-keepers to sell liquors by the drink not less than fifty nor more than two hundred dollars for each year, in addition to the tax now required by law; and the county court shall have no power to grant license to any hotel-keeper in said town to retail spirituous or Trustees to license liquor sellers.

1874. vinous liquors by the drink, until the tax imposed by the said board of trustees under this act shall have been paid.

§ 3. The board of trustees of said town shall have power to grant or refuse coffee-house license within the incorporate limits. For coffee-house license, when granted, the applicant shall pay not less than fifty nor more than two hundred dollars per annum.

Trustees to take care of paupers.

§ 4. That the board of trustees shall make provisions for taking care of all paupers within the incorporate limits of said town.

§ 5. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 528.

AN ACT to incorporate Lexington and Cumberland Gap Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Corporators' names.

§ 1. That T. S. Bronston, H. I. Bennett, T. S. Ellis, D. A. Chenault, George Sambrook, of Kentucky, Christopher Pitman, of Kentucky, Wm. H. Jackson, of Kentucky, Wm. T. Moran, of Kentucky, John Pitman, of Kentucky, Crittenden Caldwell, of Kentucky, A. L. Reid, of Kentucky, Granville Pearl, of Kentucky, James S. Davidson, of Kentucky, Robert Boyd, of Kentucky, and Wm. W. Sawyers, of Kentucky, and their successors, be, and are hereby, created and constituted a body-corporate, for the purpose of constructing and building a railroad from Lexington, in the State of Kentucky, to Cumberland Gap, at or near the junction of the States of Kentucky, Tennessee, and Virginia, by the way of Richmond, Livingston, London, and Barbourville, Kentucky; and shall be known as the Lexington and Cumberland Gap Railroad Company; and as such shall have perpetual succession.

Name and style.

Capital stock.

§ 2. The capital stock of said company shall be four million dollars, and shall be divided into shares of fifty dollars each, and shall be deemed personal property.

Commissioners may open books and receive subscriptions.

§ 3. That the aforesaid T. S. Bronston, H. I. Bennett, T. S. Ellis, D. A. Chenault, George Sambrook, Christopher Pitman, Wm. H. Jackson, Wm. T. Moran, John Pitman, Crittenden Caldwell, A. L. Reid, Granville Pearl, James S. Davidson, Robert Boyd, and Wm. W. Sawyers, be, and are hereby, appointed commissioners, under the direction of any two of whom books may be opened for the purpose of receiving subscriptions to the capital stock of said company, at such times and places as they may prescribe by

advertisements in one or more newspapers printed and published in the cities of Louisville, Frankfort, and Lexington, respectively, for twenty-one days, and may keep them open for such time as they may deem expedient: *Provided*, That any subscription tendered at any time and place other than those fixed by the commissioners, if received by any two of them, shall be valid. 1874.

§ 4. That all persons who shall become stockholders in the company hereby authorized shall be a body-politic and corporate in perpetuity, by the name of the Lexington and Cumberland Gap Railroad Company; and shall be capable of suing and being sued; and may have a common seal, and may break and alter the same at pleasure; and shall be capable in law of purchasing, holding, and conveying any real and personal property whatever; and shall be vested with all the powers and rights necessary for the object and purpose of constructing, maintaining, and operating a main line of railway and branches, with one or more tracks, and for providing all such appurtenances, means, accommodations, and facilities, as may be deemed necessary by said company for the construction, equipment, and most convenient and profitable use of same. Corporate name and style. Corporate powers.

§ 5. When over fifty thousand of said stock shall have been subscribed, the commissioners aforesaid, or a majority of those who act, may call a meeting of the stockholders of said company at such time and place as they may designate, having advertised as directed for opening the books of subscription, for the purpose of electing a board of directors, to consist of nine members, who shall be stockholders of said company; and at such meeting the commissioners, or two of them, shall be present and conduct the election, and shall lay the subscription books before the subscribers then and there present; and thereafter a majority in value of the subscribers present shall have power to elect from among the stockholders nine directors to manage the affairs of the company; and those nine directors, or a majority of them, shall elect a president of said company from among the directors, and may allow him such compensation for his services as they may think proper; and in such election of directors, and on all other occasions, whenever a vote of the stockholders is to be taken, each stockholder shall be allowed one vote for each share of stock which shall have been owned by him, her, or it, for ten days, and no other; and may, in writing, depute any other person to vote and act as his, her, or its proxy. The directors shall hold their office for one year, and until their successors are elected, and shall fill all vacancies in the board. Election of officers, when and how held.

1874.

Annual meeting,
when and how
held.

§ 6. There shall be an annual meeting of the stockholders at the office of said company on the first Monday in May for the election of nine directors, to serve for the ensuing year: *Provided*, That the directors shall have power to change the time and place of holding such annual meetings, upon publishing such change in the newspapers aforesaid not less than thirty days prior to the time previously appointed. At all such meetings the directors shall choose three judges from among the stockholders, whose duty it shall be to receive the votes of the stockholders for directors, and openly to count the votes and declare the result.

Extra meetings,
when and how
held.

§ 7. Meetings of the stockholders may be called for by the directors, or by stockholders owning not less than one fourth of the stock, by giving thirty days' notice of the time and place of holding the same in the newspapers aforesaid; and whenever any such meeting is called by the stockholders, the particular object of such meeting shall be stated in such notice; and if at any such meeting a majority in value of stockholders are not represented in person or by proxy, such meeting shall be adjourned from day to day, not exceeding five days, without transacting any business; and if, within said five days, stockholders having a majority in value of the stock subscribed do not attend, such meeting shall be dissolved.

Officers to report
condition of cor-
poration..

§ 8. At the annual meetings of the stockholders, it shall be the duty of the president and directors in office for the preceding year to exhibit a clear and distinct statement of the affairs of the company; and at any meeting of the stockholders a majority of those present may require a similar statement; and at all general meetings of the stockholders, a majority of them in value may remove from office any director of said company, and elect others in their stead, provided notice of intended removal shall have been given as required in the preceding section.

Subscriptions to
stock, when re-
ceivable, and how
paid.

§ 9. Said company may receive subscriptions to their capital stock by any State, city, county, railroad company, or other corporation whatever, payable in such manner, and upon such conditions, as shall be accepted by said company; and the board of councilmen of any city; and the county court of any county, are hereby authorized to levy on the taxable property of such city or county such sums of money as shall be sufficient to pay their respective subscriptions, or the interest on their bonds, or the principal when due; but no such subscriptions shall be made until the board of councilmen, or the county court, as the case may be, shall have submitted the question of such subscription to all the qualified voters of such city or county; and if a majority of all the qualified voters in any city or county shall vote for such sub-

scription and tax, then the same shall be assessed and made on behalf of such city or county, and not otherwise, unless the vote be taken at a general election, in which case the subscription may be made, if the proposition receive in its favor a majority of the votes cast for and against it. 1874.

§ 10. There shall be a president, a secretary and treasurer of said company, who shall be elected annually by the directors, and the president from the directors, except as provided in the preceding section, and also such other subordinate officers, agents, engineers, and servants of the company as may be necessary, who may be elected, appointed, or employed by the president and directors; any officer or agent of the company may be required to give good and sufficient security for the faithful performance of his duties. (Officers, how elected and appointed.)

§ 11. The president and directors shall have power to make contracts for carrying on all the business within the object and purposes of the company; and to make such rules and regulations and by-laws, not incompatible with the laws of this State or of the United States, as they may deem necessary and proper for regulating elections, the government of the company, the duties and responsibilities of officers and agents, and prescribing in what manner, and by what evidence, the capital stock of the company may be transferred: *Provided*, That no shares of stock shall be transferable until all previous calls thereon shall have been fully paid in, or the shares shall have been forfeited for non-payment of the calls thereon, on the books of the company. Powers of officers

§ 12. The president and directors shall have the power to open books and receive subscriptions to any of the capital stock which shall at any time remain unsubscribed for, or to sell or dispose of same for the benefit of the company not under its par value; and if the president and directors so determine, it shall be lawful for them to receive subscriptions to the capital stock, payable in contracts, well secured, to build such parts of the road and branches, or to perform such work in the construction thereof, as may be accepted by the company, or payable in coal or iron lands, or any lands lying in convenient proximity to the road, or in the bonds of the subscribers, secured by double the amount in value of unencumbered real estate, redeemable by installments or otherwise, as may be specified, within ten years from the date thereof, and bearing interest at the rate of six per cent. per annum, payable semi-annually in Louisville or elsewhere, as may be specified; and the president and directors may, if necessary, issue a preferred stock to an amount not exceeding one half of the capital stock of the company, with such President and directors may open books for subscription of stock.

1874. priority over the remaining stock, in the payment of dividends, as they may determine, and shall be approved by a majority in value of the stockholders.

Capital stock may be increased.

§ 13. The president and directors, with the consent of a majority in value of the stockholders, shall have power to increase the capital stock of the company, from time to time, until it shall be equal to the cost of the road and its branches, together with the right of way, motive power, and all appurtenances and expenses necessary to the completion and operation of same; and may close the capital account, and it shall not thereafter be increased; and it shall be lawful for the company to borrow such sums of money as may be necessary for their legitimate purposes; and they may issue and dispose of their bonds for any amount so borrowed for such sums, and at such rates of interest as is allowed by the laws of the State where such contracts is made, and mortgage the whole or any part of their corporate property and franchises, conditioned for the punctual payment of interest on said bonds as the same may fall due, and the principal when it shall become due, and with authority for the trustee to sell all said property and franchises to raise the interest and principal, if not punctually paid, on such terms and notice as shall be declared in the deed of trust: *Provided*, That should said property and franchises be sold under said deed of trust, the purchasers shall be entitled to all the rights and privileges of this charter, and of any amendments which may be made thereto, and subject to all the obligations and restrictions of the same; and the company may sell their bonds, either within or without this State, at such rates and prices as permitted by law, and such sales shall be as valid as if such bonds should be sold at par value. The company may confer on any holder of any bond issued for money borrowed as aforesaid the right to convert the principal due or owing thereon into stock of said company, under such regulations as the company may adopt; and may indorse any bonds which they are authorized by this act to receive in payment for stock, and may pledge the same as securities, and dispose of any such bonds on such terms, and at such rates, as may be lawful and expedient.

May borrow money and secure the same by mortgage.

May purchase and hold real estate.

§ 14. The company may purchase, and, by voluntary grants, receive and take, and their officers, engineers, agents, contractors, and workmen, enter upon, examine, survey, take possession of, and hold and appropriate and use, any lands and real estate and other property, and any earth, waters, timber, gravel, stone, or other materials, and any right of way and interests which may be necessary or useful for the construction, maintenance, and operation of their railroad and branches, side-tracks, stations,

depots, and other accommodations necessary to accomplish the objects for which this corporation is created. The company shall have the power to construct branch roads to connect with other railroads, and also to build branch roads to mines, or any other place that the business of the road and the interests of the public may require.

1874.

May construct branch roads.

§ 15. The company shall have the power to receive, transport, and convey persons and property on their railroad, by the force of steam, of animals, or any mechanical power, or any combination of machinery and powers, and may establish and regulate the time and manner in which passengers and property shall be transported, and the tolls and compensation to be paid therefor to said company: *Provided*, Said rates of toll do not exceed the rate allowed by law to other railroad companies.

May fix transportation fees, &c

§ 16. The company shall have power to establish a telegraph along the line of their road; and may erect any and use any apparatus for conveying intelligence with rapidity along their line, by means of signals or otherwise.

May build and operate a telegraph line.

§ 17. Whenever the company shall have completed five miles of their road, they may prosecute their business as if the whole work was completed.

When may commence business.

§ 18. The president and directors shall annually or semi-annually declare and make such dividends, as they may deem proper, of the net profits arising from the business and resources of the company, after deducting a reserved fund for the current and probable contingent expenses, and shall divide the same among the stockholders in proportion to their respective shares.

May declare dividends.

§ 19. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 529.

AN ACT to amend an act, entitled "An act to change the name and extend the limits of the town of Berry Station, in Harrison county," approved March 15th, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of an act, entitled "An act to change the name and extend the limits of the town of Berry Station, in Harrison county," approved March 15th, 1869, be, and the same is hereby, amended so as to include within the limits of said town the distillery lot and pens of Lajr, Redmon & Co., so known, now the property of John L. Pugh, being the distillery property known by the name

Boundary extended.

- 1874. of the Lair, Redmon & Co. distillery at the time of the passage of said act.

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 530.

AN ACT for the benefit of the Bath circuit court clerk.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the clerk of the Bath circuit court is hereby required to procure a suitable book, to be called a "general index," in which he shall make an index entry of all civil cases, both equity and ordinary, which have been decided in said court and filed away, which index shall refer to said cases respectively by the names of each plaintiff against the defendants, and in the name of each defendant adverse the plaintiffs, and refer to the number of the bundle in which the papers of the case have been filed away in his office.

Clerk to make
general index.

§ 2. That his compensation for said services shall be one cent for each entry in said "general index" for all cases decided previous to the first day of December, 1873, to be allowed by the county court of claims of said county, and paid out of the county levy.

Compensation of
clerk.

§ 3. That this act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 531.

AN ACT to incorporate the Lebanon Gas-light Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That N. T. Berry, J. R. Britney, Hugh Phillips, Owen Ruble, R. H. Roundtree, J. G. Carlisle, William E. Russell, W. W. Cleaver, John A. Geary, P. H. Roach, and John Dowling, and their successors, be, and they are hereby, created a body corporate and politic, by the name of the Lebanon Gas-light Company, for an indefinite period; and by that name shall have perpetual succession; and by that name may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth; and by that name shall have the power to contract and be contracted with; to have and use a common seal, to alter the same at pleasure; and to make all necessary by-laws and regulations for the government of the company, and

Corporators'
names.

Name and style.

Corporate
powers.

the conduct of its business, not inconsistent with the Constitution and laws of this State and of the United States.

1874.

§ 2. That said company shall keep an office in the town of Lebanon; and its business shall be to construct and maintain gas-works in the town of Lebanon, and to supply said town and its inhabitants with gas-light; and it may borrow money.

Office & business.

§ 3. That said company may purchase and hold as much land as will be required for its office, residences for its officers, agents, and laborers, and for engine and other houses for its works; and said company may sell or exchange the same and purchase again; and may hold such personal estate, machinery, &c., as may be necessary and convenient for the transactions of the business of the company.

May acquire real estate.

§ 4. That it shall be the duty of said company, within three years after its organization, to erect and establish in the town of Lebanon a gas manufactory of sufficient extent and capacity to supply the town of Lebanon, and the citizens thereof, with all such public and private lights as may be, from time to time, required.

Object.

§ 5. That the company have the exclusive privilege of erecting, establishing, and constructing gas-works in the city during this charter, and of vending gas-lights.

To have exclusive right to supply town with gas.

§ 6. That to enable the company to construct and establish gas-works in the town of Lebanon, it is authorized to lay down and extend pipes and conductors through any of the streets and alleys of the town; and for that purpose to take up the pavements and to replace the same, and shall be responsible to the town, or any individual, for any damage which may arise therefrom, or any unreasonable delay in replacing the same; and said company shall be subject to the regulations of the town as to streets, and to the same ordinances and penalties that individuals may be subject to.

May lay gas-pipes through streets of Lebanon.

§ 7. That the corporators aforesaid, or any three of them, shall be commissioners for opening books for the subscription of stock; and they, or any two of them, may advertise the time and place of opening the books in the town of Lebanon, and shall keep them open until not less than one hundred shares shall have been subscribed, when they shall be temporarily closed until after the election of directors, as provided in the next section hereof, and until the capital stock of said company shall have been fixed and determined upon.

Commissioners to open subscription books.

§ 8. That when ten thousand dollars (\$10,000) in stock shall have been subscribed, the commissioners shall temporarily close the books as before provided, and shall advertise the same, and call a meeting of the stockholders, giving at least ten days' notice; and the stockholders so

When corporation may organize.

1874.

Election of directors, term of office, and powers.

called may elect a president and four directors of said company, to whom shall be intrusted the real and personal estate, business, property, funds, and financial concerns of said company, and the administration of its affairs; they shall serve until their successors are elected; and after the first election, they shall be annually elected on the first Monday in January in each year, of which notice shall be given by advertisement for at least ten days in a newspaper published in the town of Lebanon. It shall be the duty of the officers first elected under this act, as soon as elected, to meet and fix and determine the whole amount of the capital stock of said company; which capital stock shall not be less than ten thousand (\$10,000) dollars, and not more than forty thousand (\$40,000) dollars; and when said capital stock shall have been determined, it shall be the duty of the directors to again open the subscription books, and keep them open until the requisite number of shares shall have been subscribed. The president and directors shall fill all vacancies that may arise in their body from death, resignation, or other cause.

Terms of subscriptions of stock.

§ 9. That the subscription of stock in the Lebanon Gas Company, by individuals, companies, and corporations, shall be made on such conditions as to the time and manner of payment, and as to the surety which shall be given for the payment of the stock subscribed, which the commissioners may prescribe before the stock is taken: *Provided*, That the president and directors may, with the consent of the subscribers, change the conditions as to the time and manner of payment, and of security for the payment of stock, or of the installments thereof.

Directors may reopen books of subscription.

§ 10. That if the whole stock shall not be subscribed before the books are finally closed, it shall be in the power of the president and directors to sell the residue at such time, and in such manner, and on such terms, as they may deem expedient: *Provided*, That they shall not sell it under par without the consent of the stockholders.

Directors to keep record.

§ 11. That the president and directors shall keep a record of their proceedings, which they shall produce to the stockholders at the regular or called meetings. They shall take bond, with good security, from the officers, and renew them from time to time, as the by-laws shall direct.

Amount of shares.

§ 12. That the capital stock of said company shall be divided into shares of one hundred dollars each, and each share of stock shall entitle the owner to one vote; and no person shall be officer of said company unless he be the owner of at least one share of stock.

Qualifications of officers.

Compensation of president.

§ 13. That the directors may allow to the president a reasonable compensation for his services if they see fit; but no compensation shall be allowed to a director, except

by order of the stockholders; and if any of the directors, or the president, shall knowingly diminish the capital stock by dividends or otherwise, they shall be responsible to the stockholders for the deficiency thus created. 1874.

Directors not to diminish capital stock. •

§ 14. That the town of Lebanon shall have the right to subscribe any (or the whole) number of shares in said company, and to pay for the amount so subscribed. The chairman of the board of trustees and the board of trustees shall have the power to issue the city bonds, to bear an interest not exceeding ten per cent. per annum, payable at such times as may be determined by said chairman and board of trustees: *Provided*, That such subscription shall not be made unless a majority of the legally qualified voters of said town shall so determine after the matter has been submitted to a public vote; but the power to order such an election shall be discretionary with the board of trustees.

Lebanon may subscribe stock & issue bonds to pay for same.

Question to be submitted to people.

§ 15. The bonds as spoken of in the preceding section shall not be sold unless they bring par, or one hundred cents on the one hundred dollars.

§ 16. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 532.

AN ACT to amend the charter of Crab Orchard, in Lincoln county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the charter of the town of Crab Orchard, in Lincoln county, be, and the same is hereby, so amended as to exclude from the limits of said town the grounds of Mrs. Sarah Higgins, on which her farm-house and other buildings have been erected, near the depot of the Knoxville branch of the Louisville and Nashville Railroad.

Boundary reduced.

§ 2. That the said Sarah Higgins shall be subject to the same law, and pay the same license for selling liquor, governing the sale of liquor at the hotel of Crab Orchard Springs, near Crab Orchard.

§ 3. This act shall take effect and be in force from and after its passage.

Approved February 23, 1874.

1874.

CHAPTER 533.

AN ACT to incorporate the Taylor County College.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jo. H. Chandler, A. F. Gowdy, R. S. Montague, J. N. Turner, P. L. Netherland, John H. Chandler, S. R. Bass, Jno. R. Robinson, R. T. Hodgen, Wayne Hoskins, R. H. Martin, A. H. Buchanan, E. A. Cheek, D. B. Moore, J. R. Ewing, D. G. Mitchell, and all others who may subscribe to the capital stock of this company, be, and they are hereby, created a body-politic and corporate, by the name and style of "The Taylor County College;" and by that name they and their successors shall have perpetual succession; and may sue and be sued, plead and be impleaded, in all courts of law or equity; may contract and be contracted with; and may acquire and hold, by purchase, gift, devise, or otherwise, any real, personal, and mixed estate, not exceeding twenty thousand dollars in value, and may sell, convey, or otherwise dispose of the same.

§ 2. The capital stock of said company shall not exceed ten thousand dollars, which shall be divided into shares of twenty-five dollars each; and any or all of the stock may be transferred or sold at the pleasure of the owner; and such transfer may be noted on the book of the company. Whenever four thousand dollars shall have been subscribed to the capital stock of the company, the subscribers of stock may elect from their number five persons, who shall constitute a board of trustees, who shall hold their office until the first day of May, 1875; and annually thereafter a board of five trustees shall be elected by the stockholders, at such time as may be fixed by the by-laws of said company, each share of stock being entitled to one vote.

§ 3. The trustees shall have power to elect a president and such other officers and agents as they may deem proper, and may require a bond from any of them for the faithful performance of the duties of his office. They shall have power to make such by-laws, rules and regulations, for the government of said institution, not inconsistent with the Constitution of this State or of the United States, as they may deem expedient and proper. They may procure and use a common seal, and alter the same at pleasure, and may exercise all the powers granted to said corporation.

§ 4. The board of trustees may fill any vacancy occurring in the board until the next annual election, and they may confer on the students in said institution any or all diplomas or degrees conferred by any of the colleges of

Corporators' names.

Name & style.

Corporate powers.

Capital stock.

When corporation may organize.

Trustees may elect officers, require bonds, and use common seal.

May fill vacancies, confer diplomas, &c.

this State, but the same must be signed by the principal of the school. 1874.

§ 5. That for the purpose of purchasing land, erecting buildings, or procuring suitable furniture for the same, said trustees may issue the bonds of said corporation, bearing any rate of interest not exceeding ten per centum per annum, which shall be a lien on the real and personal estate of said corporation: *Provided*, The aggregate amount of such bonds shall not, at any one time, exceed ten thousand dollars.

May issue bonds and secure same by lien.

§ 6. That the common school trustees for the district in which the buildings of said corporation may be located are hereby authorized to subscribe to the capital stock of said corporation any sum not exceeding two thousand dollars; and if they so subscribe, the county judge of Taylor county shall, on their petition, levy on the property of white tax-payers of such district, subject to the revenue tax of the State, a tax sufficient to pay such subscription and the expense of collecting the same; or he may levy a part on such property, and a part on each white poll of the district, which shall be collected by the sheriff of the county in the same way that the State revenue tax is collected; and the tax receipts for such taxes shall represent stock in said corporation; and when such tax receipts, to the amount of twenty-five dollars, shall be presented to said corporation, a certificate of stock shall be issued to the owner thereof. The sheriff shall collect and pay over to the board of trustees of said corporation, or their duly authorized agent, the taxes so levied; and he and his sureties on his official bond shall be liable for any remission or neglect of duty in regard to said taxes; and he shall express in his tax receipt the purpose for which such taxes shall be paid; and if such tax shall be received by said corporation, it shall forever thereafter teach, or permit to be taught, in its building, the common schools for white children of said district, and receive the public money therefor: *Provided, however*, Said common school trustees shall not make any such subscription until the sense of the white qualified voters of said district shall have been taken, as provided in the common school law of the State, as to the propriety of making the same.

Common school trustees may take stock and have tax levied to pay for same.

Sheriff to collect tax.

§ 7. The common school trustees of said district are hereby authorized to employ said corporation to have the common schools of the district taught on such terms as they may agree on.

Common schools to be taught college.

§ 8. The Legislature shall have power to amend or repeal this charter.

§ 9. This act shall be in force from its passage.

Approved February 23, 1874.

1874.

CHAPTER 534.

AN ACT to amend the charter of the Caseyville Deposit Bank.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Eligibility of
stockholders as
directors enlarged

§ 1. That the second section of an act, entitled "An act to incorporate the Caseyville Deposit Bank, of Union county," approved February 28, 1872, be, and the same is hereby, so amended as to authorize and qualify any stockholder of said bank, upon being elected by a majority of the stockholders, to act as a director, whether he be a resident of Union county and the Caseyville voting precinct or not.

§ 2. This act shall be in force and effect from its passage.

Approved February 23, 1874.

CHAPTER 535.

AN ACT to incorporate the town of Parkland, county of Jefferson, State of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Town incor-
porated and boun-
dary.

§ 1. That the town of "Parkland," in the county of Jefferson, shall be, and the same is hereby, incorporated within the following limits, to-wit: to be bounded on the north by a line two hundred (200) feet north of the north line of Garland avenue; on the east by the western boundary of the "City of Louisville;" on the south by the "Cane Run Turnpike" and Gibson's lane; and on the west by the eastern boundary lines of the farms of Newton H. Garr and John F. Garr; the same embracing seven hundred and seventy-five acres, more or less.

Trustees to be
elected, and term
of office.

§ 2. An election shall be held on the first Tuesday in June, eighteen hundred and seventy-five (1875), and on the same day every year thereafter, at "Wilson's store-room," or some other convenient place, for the purpose of electing five (5) trustees of said town, who shall hold their office for one year, or until their successors are elected and qualified; and at said election the qualified voters of said town shall be entitled to vote, subject to the same rules and regulations now existing, or hereafter made by law, as to residence and citizenship in the election districts of this State. The trustees so elected shall, before they enter upon the duties of their office, take an oath, before a justice of the peace or judge, truly and faithfully to perform the duties enjoined on them as trustees. Said trustees and their successors shall be a body-

Qualifications of
voters.

Trustees to take
oath.

politic; and by the name and style of the "Trustees of the Town of Parkland" may contract and be contracted with, sue and be sued, plead and be impleaded, in any courts of law or equity within this Commonwealth; and said trustees shall have power to pass all by-laws and ordinances necessary for the improvement, regulation, well-being, and advancement of the interest and morals of said town: *Provided*, The same be not inconsistent with the Constitution of the United States or the Constitution and laws of this State.

1874.

Name & style & corporate powers

§ 3. That the said trustees shall be, and are hereby, authorized to receive by gift or donation, or to acquire by purchase or condemnation, any lots or ground within said town for the purpose of erecting thereon school-houses or making streets and sidewalks, and may order and contract for the erection of school-houses, making streets, sidewalks, alleys, digging and walling wells, building sewers and cisterns, laying gas and water pipes, and contracting for a supply of water, planting trees, and keeping in repair all the improvements hereby provided to be made.

May acquire real estate for school & other purposes.

§ 4. Said trustees shall have power and authority to issue improvement bonds to an amount not exceeding two hundred and fifty thousand dollars, bearing interest not exceeding ten per cent. per annum, with semi-annual interest coupons attached. That for the purpose of creating a sinking fund for the payment of said bonds at maturity, a tax shall be levied on all the property within the corporate limits of said town, to be designated as a sinking fund tax; and for the purpose of paying the interest on said bonds, an annual tax shall be levied on all the property hereby incorporated, except that for the amount expended in the improvement of streets a special tax shall be levied upon the property binding on the streets improved, sufficient to pay the interest on the cost of said improvements, to be designated as an interest tax. The sinking fund shall be invested in United States bonds, bonds of the State of Kentucky, city of Louisville bonds, and Parkland improvement bonds.

May issue bonds to improve town.

Tax to be levied to pay off said bonds.

§ 5. That the money obtained by the sale of bonds shall be used by the trustees in making the improvements and expenditures named in sections three and four. That said trustees shall have the power to grant licenses, collect fines against any person or persons offending, after a conviction before a justice of the peace within this Commonwealth. The said trustees shall elect one of their number as president of the board, who shall preside at all meetings, keep order, and call a meeting when he shall deem it necessary to transact business. A majority of the trus-

Trustees to grant license, collect fines, &c.

1874. trustees shall constitute a quorum for the transaction of business.

May levy annual taxes. § 6. The trustees shall have power to levy and collect an annual tax upon all the property hereby incorporated for the purpose of repairing streets, keeping up other improvements, and paying the annual expenses of said town, to be designated as a "general tax." That said trustees shall have power to appoint a collector, who shall have power and authority to collect, by distress or otherwise, the taxes levied on the property within said town; and before said collector shall proceed to the performance of the said duties herein prescribed, he shall execute bond to the trustees in such penalty as said board shall direct, with security or securities to be approved by them, payable to said trustees, conditioned for the faithful collection of the said taxes, and the payment of the same over to said trustees or such person or persons as they shall direct; and for any breach of the condition of said bond, said trustees shall have power and authority to move against said collector and his securities, by suit on his bond or motion in the county court, and by judgment of said court recover against said collector and his securities any amount of money that may be due from him, with twenty per centum damages thereon, and shall have execution against them; and the clerk of such court shall indorse thereon "No security of any kind to be taken."

Trustees to appoint collector—his powers and duties.

Collector to give bond.

§ 7. That said trustees shall have power and authority to elect a treasurer, who shall give bond to the trustees in such penalty as said board shall direct, with security or securities to be approved by them, payable to said trustees, conditioned as provided in section six for the collector.

Treasurer to be elected, and to give bond.

§ 8. The trustees shall record a map or plat of the said town of "Parkland" in the county court clerk's office.

Map to be recorded.

§ 9. That John S. Long, Charles G. Davison, John S. Whitten, Hardin H. Littell, and Peter Wilson, are hereby appointed to act as the first board of trustees of said town, and to continue in office until the first Tuesday in June, A. D. 1875, or until their successors are duly elected and qualified.

First board of trustees.

§ 10. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 536.

1874.

AN ACT to incorporate the Fleming, Mason, Robertson, Nicholas, and Bath Counties Agricultural and Mechanical Association.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Thomas Clark, James Given, Robert Ewing, John Sherwood, and A. W. Ishmael, and such other persons as may choose to associate with them, be, and they are hereby, created a body-politic corporate, with perpetual succession, under the name and style of the Fleming, Mason, Robertson, Nicholas, and Bath Counties Agricultural and Mechanical Association; and by that name may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity; and shall be capable of acquiring, by purchase or otherwise, any quantity of land in the county of Fleming, in the neighborhood of Ewing's Station, not less than ten nor more than twenty-five acres, and may improve, sell, and convey the same, or any part thereof, at pleasure; and may acquire, hold, and dispose of such personal estate as the president and directors of said association may adopt and use a corporate seal, or may use the private seal of the president for the time being.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The capital stock of said association shall not exceed twenty thousand dollars, and shall be divided into shares of fifty dollars each, to be subscribed for and taken agreeably to such rules and regulations as the corporation may direct. Any four of the above named persons are authorized to open books for the subscription of stock in said corporation at any time and place they may designate; and so soon as in their judgment there is sufficient stock subscribed to secure the grounds, and erect such improvements as shall be deemed sufficient, they may call a meeting of the shareholders, after having given public notice thereof at least ten days previous thereto of the time and place of such meeting; at which time the subscribers or shareholders then present shall proceed to elect a president, vice president, and directors for said association, each of whom shall be a shareholder therein, and such other officers as they may deem necessary; and each share shall entitle the holder thereof to one vote, and may be given by proxy; and the shares may be transferable at the pleasure of the holder.

Capital stock.

When corporation may organize.

§ 3. The officers so chosen shall continue in office one year from the time of their election, and until their successors are duly elected, unless the members of said association shall, by resolution or by-laws, fix upon a longer period as the term of office.

Term of office of directors.

1874.

Affairs to be controlled by directors.

Directors to appoint officers and take bond.

Liability for debt.

May appoint police.

§ 4. The prudential, fiscal, and other concerns of said association, together with all of its estate of every kind, shall be under the control and management of the president and directors thereof; and they shall have power to make such regulations and by-laws, not inconsistent with the Constitution and laws of this Commonwealth, as, in their opinion, may contribute to the good order and management of the association, and, from time to time, to modify or repeal the same at pleasure; appoint a treasurer, secretary, and other officers they may deem necessary; and they may require of such officers, or either of them, bond, with good security, payable to themselves, for the faithful performance of their duties; and a majority of the directors, together with the president, shall constitute a quorum for the transaction of business.

§ 5. The said association, in its corporate capacity, with all the estate belonging thereto, shall be liable for any debts contracted by it or by its authority.

§ 6. The said association shall, in its corporate capacity, have power to appoint a police force large enough to keep good order and decorum on the grounds of said association; and for any misdemeanor committed by any person, contrary to the constitution and by-laws of said association, to be determined by the directors thereof, said directors shall have power to expel from their grounds any such person; and if the offense be a violation of any of the ordinances of the association, said offender may be fined before any justice of the peace for said county in any sum not exceeding ten dollars, to be recoverable by warrant in the name of the Commonwealth.

§ 7. This act shall take effect on the 1st day of March, 1874; and the General Assembly reserves the right to alter, amend, or repeal this act at pleasure, saving, however, vested rights and the rights of creditors.

Approved February 23, 1874.

CHAPTER 537.

AN ACT to incorporate the Kentucky and Montana Gold Mining Company.

WHEREAS, The Kentucky and Montana Gold Mining Company, of Montana, was organized in Warren county on the second day of September, 1871, under the general incorporation law of this State, and has continued, since that time, its organization and the working of its mines in the Territory of Montana; and whereas, it is believed that the efficacy of said company, by reason of its using lands lying outside of this State, would be greatly in-

creased by a special act incorporating said company; 1874.
now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That C. G. Smallhouse, J. M. Hines, J. A. Graham, E. B. Seeley, and A. J. Claypool, and all other persons who own stock in said company, or who may hereafter own stock therein, and their assigns, be, and they are hereby, created a body-corporate, by the name and style of the Kentucky and Montana Gold Mining Company; and by that name are hereby made capable in law, as natural persons, to contract and be contracted with, sue and be sued, plead and be impleaded, in this Commonwealth and elsewhere, in all courts of law or equity; to have a common seal, and change the same at pleasure; to own property, both real and personal, and to engage in mining for gold, silver, and other metals and minerals, in this State or elsewhere; to pass and put into execution all such by-laws, ordinances, or regulations, as may be deemed necessary or proper for the government of said corporation, not inconsistent with the Constitution and laws of this State or of the United States.

Corporators' names.

Name and style.

Corporate powers

§ 2. The capital stock of said company shall not exceed five hundred thousand dollars, divided into shares of fifty dollars each. The stock shall be deemed personal property, and the company shall have a prior lien thereon for any indebtedness to said company; and it may be transferred on the books of said company by consent, or after it has been fully paid up.

Capital stock.

§ 3. In the event of the failure of any stockholder to pay up his stock as called for by order of the board, the share or shares of such stockholder may be forfeited by the president and directors, or they may, if they so elect, sue and recover the same.

Stockholder failing to pay for stock to forfeit same.

§ 4. The said corporation may borrow money on such terms and conditions, and at such rates of interest, not exceeding ten per cent. per annum, as may be agreed upon, and secure the same by mortgage upon the whole or any part of its franchises and property; and may issue and sell its bonds, bearing a rate of interest, not exceeding ten per cent. per annum, and secure said bonds by mortgage upon the whole or any part of its franchises and property: *Provided, however,* That the sum or sums so borrowed, and the bonds so issued, shall not, at any one time, exceed the capital stock subscribed.

Corporation may borrow money & secure same by mortgage.

§ 5. C. G. Smallhouse, J. M. Hines, J. A. Graham, E. B. Seeley, and A. J. Claypool, the present directors of said company, shall serve as such until their successors are duly elected and qualified.

First board of directors.

1874.

Election, when
and how held.

§ 6. An election for five directors of said company shall be held by the stockholders thereof on the 10th day of February, 1875, and on the 10th day of February in each year thereafter; and it shall be the duty of the secretary of the company to give notice of such election, at least ten days before it occurs, by publication in one or more newspapers published in the city of Bowling Green; and in the event no paper should be published in said city at that time, said notice shall be given by the secretary mailing a copy thereof to each stockholder at least ten days prior to said election.

Vacancies—how
filled.

§ 7. Should a vacancy occur in the directory of said company, the board shall fill the same by election until the next regular election by the stockholders.

Qualifications of
officers.

§ 8. No person shall be eligible to the office of director of said company unless he shall own and be possessed of at least two shares of stock in said company.

§ 9. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 538.

AN ACT to amend the charter of the city of Bowling Green.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Clerk police court
may appoint a
deputy.

§ 1. That the clerk of the Bowling Green police court shall have the power to appoint a deputy clerk, who, when he has taken the oath required by law, shall have all the power and authority now conferred by law upon the clerk of said court; and said clerk shall be liable on his official bond for all the acts performed by said deputy by virtue of said appointment.

Collector to have
one year's further
time to wind up
affairs.

§ 2. The collector of said city shall have one year after the expiration of the term of his office in which to wind up the affairs of his office, collecting taxes, street and other claims, placed in his hands for collection. The provisions of this section shall not be so construed as to extend the time in which the collector is required by the charter and ordinances of the city to settle and account for taxes and other claims that may be due the city.

Collector may
sell real and personal
property to
pay taxes.

§ 3. The collector shall have the power, on and after the first day of October in each year, to sell the real estate of any tax-payer for unpaid taxes that may be due the city for poll-tax, upon choses in action, upon personalty of any kind, or upon real estate: *Provided*, Said sales are conducted in the manner provided by ordinance.

§ 4. He shall have the same power to collect taxes by garnishment as is now given to sheriffs of this Commonwealth by the provisions of sections one, two, three, and four, of article nine, of chapter ninety-two, of the General Statutes. The notice prescribed by section one as aforesaid may summon the person owing the tax or taxes before any justice of the peace for the Bowling Green district, or before the Bowling Green police court; and said courts shall have the same power to hear and fully determine any garnishment for taxes due the city as the county court now has to hear and determine such cases for taxes due the Commonwealth.

1874.

Collector may collect taxes by garnisheeing.

§ 5. Section thirteen of an act, entitled "An act to amend and reduce into one all the acts concerning the town of Bowling Green," approved March 5, 1856, is hereby so amended as to give the power and authority to the collector to sell any real estate upon which a claim may be due the city for grading, paving, curbing, or repairs made upon same or adjacent thereto, at any time after the same is past due thirty days, and has been listed with the collector; but said collector shall give the same notice and advertisement that may be required by the charter and ordinances of the city before selling real estate for taxes.

Collector may sell real estate to pay improvement claims.

§ 6. Service of notice of tax due upon property of a non-resident, or any process required by the charter and ordinances of the city to be given a non-resident for taxes or other claims due the city, may be made by sending through the post-office such notice or process, directed to the last known place of business or residence of the non-resident, or by notice upon his agent or attorney.

Service of notice.

§ 7. The city shall have the right of appeal from the judgment of the Bowling Green police court to the circuit court of Warren county in all cases where the judgment of said court is upon the trial of any case when the fine liable to be imposed may be five dollars or more: *Provided, however,* The appeal shall be taken only when some legal or constitutional question may be decided against the city.

Right of appeal in city cases—where same shall lie.

§ 8. The collector of the city shall have full power, as now given by law, to distraining and selling property for city taxes, immediately upon his advertisement, by printed circulars or notice in the city papers that the tax list is in his hands and ready for collection.

Collector may sell property so soon as notice of tax is given.

§ 9. The judge of the Bowling Green police court shall hold a term of his court, for the trial of civil causes and proceeding, on the second Tuesday in each month during the year, except in the months of February and August; and the jurisdiction of his court shall extend to and embrace civil actions and proceedings, when the amount in con-

Civil terms of police court and its jurisdiction.

1874.

troverſy does not exceed, excluſive of intereſt and coſt, the ſum of one hundred dollars. Before any ſummons is iſſued, the plaintiff ſhall file, as now required by ſection 827 of the Civil Code, the account or written contract, or ſtatement of the facts on which the actions or proceeding is founded; and appeals may be taken by either party to the court of common pleas or circuit court, where the amount in controverſy is of the value of ten dollars or more, excluſive of intereſt and coſt. Before a ſummons ſhall be iſſued on a claim exceeding fifty dollars, a tax of fifty cents ſhall be paid to the judge of ſaid court, who ſhall report and account for the ſame as in caſe of fines paid to him as a juſtice of the peace.

§ 10. This act ſhall take effect immediately upon its paſſage.

Approved February 23, 1874.

CHAPTER 539.

AN ACT for the benefit of J. W. Valentine, jailer of Warren county.

Be it enacted by the General Aſſembly of the Commonwealth of Kentucky:

Allowed \$237 60.

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasuſer in favor of J. W. Valentine, jailer of Warren county, for the ſum of two hundred and thirty-ſeven dollars and ſixty cents, payable out of any money in the Treasuſry of the State not otherwiſe appropriated, being compenſation to ſaid jailer for the cuſtody and dieting three lunatics—Amelia Hinton, Sarah Hopper, and Julia Cox.

§ 2. This act ſhall take effect from its paſſage.

Approved February 23, 1874.

CHAPTER 540.

AN ACT to change the voting place of the Elk Spring precinct, of Warren county.

Voting place
changed to
Smith's Grove.

§ 1. That the voting place of the Elk Spring precinct, in Warren county, is hereby changed to ſome place within the limits of the town of Smith's Grove, or within one half mile of the limits of ſaid town. The houſe or place when the votes of ſaid precinct ſhall be received, within the limits of ſaid town, or within one half mile thereof, ſhall be designated by the county court of Warren as the place of receiving votes of any precinct is now appointed by law.

§ 2. This act shall take effect from and after its passage. 1874.

Approved February 23, 1874.

CHAPTER 542.

AN ACT supplemental to an act passed at the present session of the General Assembly, entitled "An act to incorporate the Chicago and South Atlantic Railroad Company of Kentucky."

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the fiftieth section of an act passed at the present session of the General Assembly, entitled "An act to incorporate the Chicago and South Atlantic Railroad Company of the State of Kentucky," be, and the same is hereby, so changed as to strike therefrom the following words, to-wit: "The mayor and common council or general council of any city, and the board of directors of any railroad company, may, on behalf of their city or company, guarantee the payment of the principal and interest of the bonds of said Chicago and South Atlantic Railroad Company of the State of Kentucky."

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 543.

AN ACT to amend the charter of the town of West Covington, Kenton county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

§ 1. That the charter of the town of West Covington, in Kenton county, be amended as follows: that when a majority of persons owning property on any street or alley, or on any certain length of a street or alley, in said town, shall petition the trustees of said town to have the said street or alley, or a part thereof, graded, macadamized, remacadamized, curbed, or guttered, it shall be the duty of said trustees, by ordinance, to cause the said improvement to be made, at the cost of all the owners of real estate fronting on the street or alley where the work shall be done. The cost and expenses, when the work is completed, shall be apportioned between said real estate owners in proportion to the number of front feet owned by each person; and a lien is hereby given to said town on all lots or parts of lots fronting on such work.

Upon petition, trustees to order street improvements to be made

1874.

On petition, to
cause sidewalks
to be made.

§ 2. The trustees shall cause sidewalks to be made at the expense of property-owners on any street, when a majority of said owners of property shall petition for such improvement; and the work shall be done in such manner as the petitioners may require.

May order por-
tion of streets im-
proved in each
year.

§ 3. It is provided that a certain breadth of any street (not less than twelve feet), so ordered to be graded, macadamized, or remacadamized, may be done in any one year, and the balance of the breadth of said street may be done in one (1) or more succeeding years; and in no case shall the total assessment or cost of improvement for one (1) year against any person or ground exceed in amount one sixth (1-6) the actual cash value of the ground owned by such person, and subject to said assessment.

Collector may
sell property to
pay cost of im-
provement.

§ 4. The cost and expenses of the work, either for grading, macadamizing, or other improvements before mentioned, or for the making of sidewalks, together with the actual cost of collecting the same, may be collected as other taxes, by the town collector, who shall have power to sell lots or parts of lots for the same, under such rules and regulations as may be prescribed by ordinance: *Provided*, That the owners of lots or parts of lots sold for such work shall have one year from the sale to redeem the property sold, on paying the purchase-money with fifty per centum per annum thereon, with all the taxes and levies that have subsequently accrued: *And provided also*, That infants shall have the privilege of redemption on like terms at any time within one year after the disability is removed.

All surveys to be
made at expense
of town.

§ 5. All surveying and laying off and establishing of grades shall be done at the expense of the town, and all intersections of streets shall be macadamized, guttered, and stepping-stones placed, or cross-walks made, at the expense of the town.

Inhabitants ex-
empted from poll-
tax of county.

§ 6. The inhabitants of this town shall be exempt from county levy (head tax); also the fifty cent poll-tax now paid by the citizens of West Covington.

To maintain
paupers.

§ 7. The poor and prisoners to be maintained out of the general fund.

Trustees to be
overseers of poor.

§ 8. The trustees of said town shall be *ex-officio* overseers of the poor, and shall decide on the legality of all claims of applicants for relief.

May levy tax to
build town hall.

§ 9. That the town trustees have power to levy a tax of twenty-five cents on the one hundred dollars on all real estate in this town subject to taxation, for the purpose of erecting a town hall; that such building shall be of sufficient dimensions for town and school purposes; and that said property be invested in the town: *Provided*, That said tax shall not continue longer than four years.

§ 10. When the streets and alleys in West Covington have been put under contract for grading and macadamizing, and said grading and macadamizing has been paid for by the citizens living on any street, said citizens will never again be subject for repairing said streets, but such repairs will be paid for out of the general fund.

1874.

Citizens only to pay once for street improvements.

§ 11. The sum of one hundred and fifty dollars shall be appropriated each year for school purposes, and said appropriation shall be subject to the order of the board of school trustees.

To make appropriation for school purposes.

§ 12. This act to take effect from and after its passage, except the sixth section of this act, which shall not take effect until after the expiration of the year 1874.

Approved February 23, 1874.

CHAPTER 544.

AN ACT to amend an act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg."

WHEREAS, The act incorporating and establishing the town of Greenupsburg, approved February 4, 1818, indefinitely defined and established the boundary limits of said town; and whereas, the act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg, in Greenup county," approved February 16, 1866, failed to define the boundary limits of said town, the name of which has since been changed, and is now known by the name of Greenup; and in order more fully to define and establish the boundary lines of the said town of Greenup, and fix and determine the corporate limits thereof, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the act, entitled "An act to amend and reduce into one the several acts in relation to the town of Greenupsburg" (now Greenup), approved February 16, 1866, be, and is hereby, so amended that the corporate limits of the said town shall be fixed as follows, viz: beginning at the mouth of Little Sandy river; thence up the Ohio river at low water mark to the division line between the lands of Mrs. Elizabeth Hollingsworth and the Eastern Kentucky Railway Company; thence with said line south, supposed thirty-eight degrees, east one hundred and fifty-four poles to the foot of the hill; thence north forty-five degrees west seventy-four poles; thence north seventy-three degrees west seventy poles to the road leading to the falls of Little Sandy; thence north fifty-three degrees west to the Little Sandy river; thence with said river to the beginning: *Provided*, That the lands now

Boundary of town.

1874. owned and occupied by John Seaton shall be excluded from the boundary limits of said town of Greenup.

§ 2. This act shall be in force from its passage.

Approved February 23, 1874.

CHAPTER 545.

AN ACT for the benefit of J. B. Gore, of Larue county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Allowed §38 64.

§ 1. That the Auditor of Public Accounts be, and he is, directed to draw his warrant on the Treasurer in favor of J. B. Gore, of Larue county, for thirty-eight dollars and sixty-four cents, for expenses incurred by him in conveying M. L. Hargan, a lunatic, from said county to the Fourth Kentucky Lunatic Asylum at Anchorage, to be paid out of any money in the Treasury not otherwise appropriated.

§ 2. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 546.

AN ACT to amend the charter of Jeffersontown, and establish a police court for said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Police court established.

§ 1. That an act, entitled "An act to charter the town of Jeffersontown," approved January 24th, 1867, be, and the same is hereby, amended as follows: That there is hereby created and established in the town of Jeffersontown a police court, to be known and styled Jeffersontown Police Court.

When judge to be elected.

§ 2. That the police judge of said town shall be elected by the legal voters of said town on the first Monday in April in each year, and shall hold his office until his successor shall be qualified according to law.

Pro tem. judge appointed.

§ 3. That A. G. Watts is hereby appointed to be police judge till the regular election in 1874.

Jurisdiction and powers of police judge.

§ 4. That said police judge shall have jurisdiction in all offenses arising under the ordinances and by-laws of said town; and shall have power to issue warrants, enter judgments, and award executions, issue process for witnesses, and compulsory process when they fail to attend. He shall have jurisdiction of all causes, civil and criminal, in which justices of the peace have jurisdiction; and as

a court of inquiry in criminal cases, he shall have the jurisdiction of two magistrates or justices. He shall have power to imprison and fine for contempt, not exceeding five dollars fine or three days' imprisonment. He shall have power to order a jury to be summoned in any case cognizable before him where a jury would be required before a circuit court or a justice of the peace. He shall have concurrent jurisdiction in civil and criminal cases with justices of the peace in the county of Jefferson; and for the due and efficient exercise of the power herein and hereby vested in him, he shall have power to award process and issue writs as may be necessary to enforce the due administration of right and justice. It shall be the duty of said police judge to keep a record of all his official proceedings, a copy of which shall be evidence, and shall have the same effect as records of justices of the peace; and either party shall have the right of appeal from all judgments rendered by said judge in the same manner as appeals from justices of the peace in similar cases; and said judge shall hold his courts for civil causes at such time as he may designate. He shall keep a docket, order-book, and an execution-book, which shall be provided for him by the board of trustees, and be paid for out of the funds of said town.

1874.

Judge to keep record.

§ 5. That it shall be the duty of the marshal to serve notices, etc.; and all processes and precepts to him directed from said police judge or justice of the peace, or county judge, and make due return thereof; and he shall collect all executions and other demands which may be put into his hands to collect, and pay the same over to whosoever may be entitled thereto, under the same rules and regulations required by law of constables in the collection of executions and other demands. The said marshal shall execute bond, payable to the Commonwealth of Kentucky, in such sums as the trustees may require, for the faithful and legal performance of his duties, and also take the oath required of sheriffs.

Power and duties of marshal.

§ 6. That whenever a vacancy occurs by death, resignation, or otherwise, in the office of police judge or trustees of the town of Jeffersontown, that a majority of the then remaining board of trustees shall appoint some suitable person or persons to serve the balance of the unexpired term.

Vacancies in office of police judge—how filled

§ 7. That the charter is so amended, that when from any cause the chairman of said board is unable to attend and preside at the meetings of said board, they may appoint one of their own members present chairman *pro tem.*, who shall preside, and be clothed with all the power and au-

Board of trustees may appoint *pro tem.* chairman

1874. thority as the regular chairman ; and that three members of the board of trustees present shall constitute a quorum, and transact, legally, business.

Fines, &c., how applied.

§ 8. That all fines for any breach of the by-laws or ordinances of said town shall be paid into the town treasury ; and all fines and forfeitures recovered in said police court, other than for breach of such by-laws or ordinances, shall be paid to trustee of the jury fund, as is now provided by law.

Fees of police judge.

§ 9. That the police judge shall be entitled to charge and collect the following fees, viz : for issuing a warrant in a civil case, twenty-five cents ; for a peace warrant, riot, rout, breach of the peace, unlawful assembly, or disturbing religious worship, one dollar ; for a warrant for a violation of ordinances or by-laws of said town, when the trustees are plaintiffs, fifty cents ; for swearing a jury and presiding over a trial in any case, except forcible entry and detainer, one dollar, to be charged to the applicant ; and for any and all other services, the same fees as are now allowed justices of the peace for similar services.

Fees of marshal.

§ 10. That the fees of the marshal shall be the same as are now allowed to constables.

§ 11. That all general laws applicable to towns, not inconsistent with the charter of Jefferson town, shall be applicable to this town, and that the provisions of the former charter conflicting with this amendment is hereby repealed.

§ 12. That this amendment shall go into effect from and after its passage.

. Approved February 23, 1874.

CHAPTER 547.

AN ACT to charter the People's Savings Bank of Kentucky.

Be it enacted by the General Assembly of the Commonwealth of Kentucky :

Corporators' names.

§ 1. That Marshall Woodson, William Spradling, Milton Thurston, Jesse Meriwether, Nathaniel Thompson, N. B. Rogers, Madison Minnis, Robt. Thomas, Horace Helms, John M. Harlan, W. L. Jackson, John L. Wheat, Charles D. Jacobs, W. B. Belknap, Z. M. Sherley, George Hunter, Charles Swindler, Abram Hays, John Young, John Jordan, and their successors, be, and are hereby, constituted and created a body-corporate and politic, by the name of the People's Savings Bank of Kentucky, to be located in the city of Louisville, with a capital not exceeding five hundred thousand dollars.

Name and style.

Capital stock.

§ 2. The said corporation shall not take and hold real and personal estate above the clear annual value of five thousand dollars, exclusive of the profits which may arise from the interest accruing on the deposits, or from the sale of any stock in which the deposits made in said bank may be invested.

1874.

Value of real estate to be owned by corporation.

§ 3. The trustees of the said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

Trustees not to receive compensation.

§ 4. The officers of the said corporation shall consist of a president and two vice presidents, who, together with twenty trustees, shall constitute a board of managers, ten of whom, if the president or one of the vice presidents be present, shall constitute a legal meeting of such board, who shall have the power to increase the number of trustees to thirty.

Officers.

§ 5. The several persons named in the first section of this act shall be the first managers of said corporation, and shall elect the president and two vice presidents from their own body; and all vacancies by death, resignation, or otherwise, shall be filled by the board of managers at their first regular meeting after such vacancies shall occur, by ballot; and the person having the majority of the whole number present and voting shall be considered as duly elected, and not otherwise.

Vacancies—how filled.

§ 6. The said corporation shall receive as deposits all sums of money that may be offered for that purpose, in such sums and on such terms as are allowed by this act, for the purpose of being invested in government securities or bonds of the State of Kentucky or city of Louisville; and also of being loaned to individuals on satisfactory real estate security, not to exceed seventy-five per cent. of the assessed value thereof for State taxation; and also to make temporary deposits in any of the national banks in the city of Louisville, and receive interest at such rates, not exceeding that allowed by law, as may be agreed upon; and such deposits shall be repaid to each depositor when required, and at such times and with such interest and under such regulations as the board of managers shall, from time to time, prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, and shall not be altered so as to affect any deposit which shall have been made previous to such alteration, until after personal notice thereof to the depositor.

May do general banking business.

§ 7. No part of the moneys so deposited shall be invested except in the securities and stocks mentioned in the next preceding section, and no president, vice president, members of the funding committee, or other officers

How deposits to be invested.

1874.

of the said corporation, shall, directly or indirectly, borrow or use the funds of the corporation, except to pay the necessary current expenses; and all certificates or evidences of deposits made by the proper officer shall be as effectual to bind the corporation as if they were under the common seal thereof.

Board to fix rate
of interest to de-
positors.

§ 8. It shall be the duty of the board of managers of said bank to regulate the rate of interest to be allowed to the depositors, so that they shall receive a ratable proportion of the profits of the said bank, after deducting all necessary expenses herein authorized to be incurred: *Provided*, That not to exceed three per cent. of the gross profits may be carried to the surplus fund of the bank annually.

Officers to give
bond.

§ 9. The subordinate officers and agents of said corporation shall, respectively, give such security for their fidelity and good conduct as the board of managers may, from time to time, require; and said board shall fix the salaries of such officers and agents.

Corporation to
make annual re-
ports.

§ 10. The said corporation shall make an annual report to the Legislature and to the common council of the city of Louisville of the state of their funds and investments.

Books to be open
to inspection.

§ 11. The books of said corporation shall, at all times during the hours of business, be open for the inspection and examination to the Auditor of this State, and such other persons as the Legislature shall designate or appoint.

May receive de-
posits of minors.

§ 12. When any deposit shall be made by any person being a minor, the said corporation may, at their discretion, pay to such depositor such sums as may be due to such minor, although no guardian shall have been appointed for such depositor, and the receipt or acquittance of such minor shall be as if the same were executed by a guardian of such minor duly appointed.

May receive de-
posits of *femes*
covert.

§ 13. When any deposit shall be made by any female, being or hereafter becoming a married woman, in her own name, it shall be lawful for the trustees or officers to pay to such depositor such sums as may be due such female; and the receipt or acquittance of such depositor shall be a sufficient legal discharge to the said corporation therefor.

For failing to dis-
charge duty, trust-
ee may be re-
moved.

§ 14. If any trustee shall fail to attend the regular meetings of the board, or to perform the duties devolving on him as a member of said board, for the term of three successive months, without excuse satisfactory to the board, he may be removed from the office of such trustee at the pleasure of the board.

Funding commit-
tee to be appoint-
ed, & their duties.

§ 15. There shall be a funding committee of six trustees, who shall be elected annually. It shall be the duty of the funding committee to superintend and direct all in-

vestments of the funds of the bank; and they shall be authorized, in conjunction with the president, to adjust and settle all claims on the bank made by depositors or others, to an amount not exceeding five hundred dollars in each case, with power to employ and consult counsel when they deem it necessary. They shall meet as often as occasion may require, and keep a record of their acts and doings, which shall be read at the monthly meetings of the board of trustees, not less than four of whom shall constitute a quorum to do business.

§ 16. Said board of trustees shall have power to adopt all rules and by-laws necessary to carry out the purpose of this act.

§ 17. The Legislature may at any time alter, modify, or repeal this act.

Approved February 23, 1874.

CHAPTER 549.

AN ACT for the benefit of James Herd, late sheriff of Clay county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the further time of two years is hereby given to James Herd, late sheriff of Clay county, and his securities, in which to collect his uncollected taxes and fee bills; and that they have the right to distrain for the same, subject to all the penalties imposed by law for illegal distraints, or the collection of illegal fee bills.

Allowed further
time to settle busi-
ness.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 550.

AN ACT providing for the payment of the cost and expenses of investigating the contested election case from Jessamine county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, directed to draw his warrant on the Treasurer in favor of the Sergeant-at-Arms of the present House of Representatives for the sum of one hundred and thirteen dollars and one cent (\$113 01), to be paid out of any money in the Treasury not otherwise appropriated; and the Sergeant-at-Arms will pay out the same as hereinafter directed: To L. H. Willis, examiner of Jessamine county, for taking depositions, sixty-five dollars and eighty-five

1874. cents (\$65 85); to George R. Pryor, examiner of Jessamine county, for taking depositions, twenty-five dollars (\$25); to Lewis Hemphill, of Jessamine county, for two days' attendance as a witness, and traveling one hundred and eight miles, six dollars and thirty-two cents (\$6 32); to John Cobb, for two days' attendance as a witness, and traveling one hundred and fifteen miles, six dollars and sixty cents (\$6 60); to James Logan, for two days' attendance as a witness, and traveling one hundred and fifteen miles, six dollars and sixty cents (\$6 60); to J. C. Coleman, one day's attendance as a witness, one dollar (\$1); to S. E. Riley, one day's attendance as a witness, and traveling sixteen miles, one dollar and sixty-four cents (\$1 64).

§ 2. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 551.

AN ACT to prevent stock from running at large in Foster precinct, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Stray stock may be sold after notice.

§ 1. That all stock running at large in Foster precinct, in the county of Bracken, may be taken up by any owner of land in said precinct; and said taker-up, after having advertised the same for at least ten days in three public places in said precinct, may sell the same, if not called for by the owner within that time.

Fees for taking up stock.

§ 2. The taker-up of such stock shall be allowed fifty cents per head for each day he may keep said stock, which the owner shall pay; and if said stock be sold, then the amount herein shall be deducted from the amount of sale, and the balance of the proceeds shall be deposited with the clerk of the county court, subject to the order of the owner of said stock; but if the same shall not be called for within five years from the date of sale, then the same shall be turned over to the county treasurer for the benefit of the county. The clerk shall be responsible under his official bond for all moneys that may come to his hand under the provisions of this act. The owner of any stock shall be responsible for any damage by reason of his stock running at large in said precinct.

Fund over fees, how disposed of.

Owners to be responsible for damages.

§ 3. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 552.

1874.

AN ACT to incorporate the Independent Printing Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That George Denny, sr., Wm. H. Kinnaird, Wm. Sellers, Lee Yates, Samuel Bennett, J. W. Cardwell, Joe S. Linney, George W. Nell, Captain Jeeter, Wm. Green, B. W. S. Huffaker, Ad. Williams, Allen Jones, and their successors, he, and they are hereby, created a body-corporate and politic, by the name of the Independent Printing Company, for the term of twenty-five years; and as such may contract and be contracted with, sue and be sued, and possess all the powers and authorities incident to corporations for the purposes hereinafter mentioned.

Corporators' names.

Name and style.

Corporate powers.

§ 2. The capital stock of said company shall be two thousand dollars, which shall be divided into shares of ten dollars each.

Capital stock.

§ 3. Said corporation is hereby authorized buy, maintain, and operate a printing office, and to publish, as such, a weekly paper, to be known and styled the Kentucky Independent, to be located in Lancaster, Garrard county.

Object.

§ 4. The affairs of said corporation shall be managed by eleven directors, one of whom shall be president, and all of whom shall be stockholders in said corporation. The first board of directors shall consist of Allen Jones, Ad. Williams, B. W. S. Huffaker, William Green, Captain Jeeter, George W. Nell, Joe S. Linney, J. W. Cardwell, Samuel Bennett, Lee Yates, and Wm. Sellers, who shall continue in office until their successors shall be elected by a majority in interest of the stockholders of said corporation; and the board of directors chosen by the stockholders shall continue in office for two years, or until their successors are elected and qualified. If any one of the above named directors shall decline or refuse to act, a majority of the others shall fill the vacancy by appointing or choosing some one else. They may adopt such by-laws, rules and regulations, for the government of said corporation, and the management of its affairs and business, as they may deem proper, not inconsistent with the laws of this State. The said corporators may open books of and receive subscription to the capital stock of said company, upon such notice as any three of said corporators may deem right.

Directors to control affairs.

§ 5. So soon as ten per cent. of the capital stock is subscribed and paid in, any three of said corporators shall give notice of the time and place at which an election shall be held for a new board of directors, who shall hold and continue in office as herein provided. The board of directors of said corporation may fill all vacancies in their

When corporation may organize.

1874.

body which may happen, by death or otherwise; and may make such calls of payments of stock as they may deem proper; and said directors may select for president and treasurer such of the corporators as a majority of said directors may see proper.

§ 6. That in any and all elections held under this charter the stockholders or directors may vote by proxy; and each full share shall entitle the holder to one vote.

May require
bond of officers.

§ 7. Said company may require such bond from its treasurer, or any of its officers or agents, as they may deem necessary for the security of assets, or the faithful performance of duty.

May enforce sub-
scription to stock.

§ 8. That any of the stockholders failing to pay their calls when made, shall be subject to suit in court of competent jurisdiction, and shall pay interest at the rate of ten per cent. per annum until paid.

§ 9. This act shall be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 553.

AN ACT for the benefit of keepers of stud-horses, jacks, and bulls, of Simpson and Pendleton counties.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

To have lien on
produce of season

§ 1. That the licensed keepers of stud-horses, jacks, and bulls, in the counties of Simpson and Pendleton, have a lien upon the get of such for the space of one year after birth of same, for the payment of season of said stud-horse, jack, or bull.

§ 2. That said lien shall only be in force against the owner or notified purchaser of such colt or calf.

§ 3. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 554.

AN ACT to amend and revise the charter of Millersburg, Bourbon county.

WHEREAS, John Miller, the owner of a tract of land on the waters of Hinkston, in Bourbon county, applied to the county court of Bourbon county, at its October term, 1798, and moved, under an act of the Legislature of Kentucky concerning the establishment of towns, passed in 1796, for an order establishing a town upon one hundred acres of his land in said county, and appointing trustees to receive and hold the title thereto, the boundaries of

which land he caused to be entered on the record of said court; and thereupon the said court, by their order then made, established a town upon said land by the name of Millersburg, and appointed seven trustees thereof, and vested them with the title to and control of said land, since which time the said trustees and their successors have held the possession, and exercised a general superintendence and control of the said property; and whereas, the citizens of said town desire sundry amendments to their original charter; therefore,

1874.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. P. Savage shall be appointed police judge, John W. Jones shall be appointed marshal, and William H. Savage, John T. Taylor, Jeff. T. Vimont, Joseph T. Batson, and John W. Boulden, shall be appointed trustees of said town, who shall hold their office until the first Monday in May, 1874, or until their successors are elected and qualified; and said trustees, and their successors in office, shall be a body-politic and corporate, and known by the name and style of the Trustees of the Town of Millersburg; and by that name may be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered to, in all courts of this Commonwealth; and they may have and use a common seal; and shall have all the powers and privileges, and be subject to the same duties and liabilities, as is provided by general law

Officers' names.

Name and style.

Corporate powers

§ 2. That upon the first Monday in May, annually, an election shall be held at the town hall in Millersburg for a board of trustees of said town, at which election the male inhabitants of the town of the age of twenty-one years and over, who shall have been bona fide residents in the town one year next preceding the election, and who are not in arrearages for taxes due the town, or for fines imposed under the ordinances of the town; also all the male bona fide residents of the county of Bourbon of the age of twenty-one years and over, who shall be the owners of real property lying within the town upon which there has been an assessment of taxes equal to the poll-tax imposed upon the male residents of the town, and who are not in arrearages for taxes due the town, or for fines imposed under the ordinances of the town, shall have the right to vote.

Qualification of voters.

§ 3. Said election shall be advertised in the county newspapers, or by notice posted at different places in the town one week previous to the election. The trustees shall appoint two discreet persons to act as judges, and also a clerk and sheriff, citizens of the town, of said election, who shall take an oath before some person qualified to

Notice to be given of election.

1874. administer oaths to faithfully perform their duties; and it shall be the duty of the judges to compare the poll-books and return them to the clerk of the board of trustees, and make a statement, in writing, signed by them, of the number of votes received by each candidate, and certify the names of those elected.

Election officers
to be divided in
politics.

§ 4. That so long as there are two distinct political parties in the Commonwealth, the judges, sheriffs, and clerks of said election, held under this charter, shall be so selected and appointed that one of the judges shall be of one political party, and the other judge of the opposing political party, and a like difference shall exist between the sheriff and clerk of the election: *Provided*, That there be a sufficient number of the members of each political party, as aforesaid, to fill said offices, and will consent to act.

Qualifications of
trustees.

§ 5. No person shall be eligible to the office of trustee who has not resided within the town one year next preceding his election, and who is not a freeholder therein, or who is, directly or indirectly, interested in any contract with the town; and if, after elected, he becomes so interested or an applicant for such contract, his office shall thereby become vacant, and the board shall so declare and fill it.

Term of office of
trustees.

§ 6. That the trustees' term of office shall continue for the next twelve months after their election, or until their successors are duly elected and qualified, and shall take an oath, before some officer empowered to administer oaths, that they will faithfully, and without affection to any one, discharge the duties that may devolve upon them; three of whom shall constitute a quorum to transact business.

Trustees to man-
age affairs.

§ 7. In said board of trustees, and their successors in office, shall be vested the fiscal and prudential affairs of the town, and they shall be a body-politic and corporate, and by the name and style of the Board of Trustees of the Town of Millersburg shall be known, and shall have perpetual succession, and may sue and be sued in all courts of law or equity; may contract and be contracted with, and do and perform all other corporate acts under said name.

Trustees to have
power over
streets, alleys, &c

§ 8. That the legal title to all the streets and alleys in said town, and to all real and personal property which now does or may hereafter belong to said town, is vested in said board of trustees, with authority to receive and hold real and personal estate by purchase, donation, or otherwise, for the use or ornament of the town, and use, lease, or sell the same as they may deem expedient..

Powers of Trustees.

Powers of trus-
tees.

§ 9. The board of trustees shall have legislative power to make by-laws and ordinances for the carrying into

effect of all the powers herèin granted for the government of the town, and to do all such things as properly belong to the police of an incorporated town ; also, 1874.

First. To regulate the time and places of their meeting, and change them at their pleasure, and determine the rules of their proceedings, and enact laws to compel the attendance of members at any meeting called by the chairman or two members of the board

Second. To appoint a chairman, clerk, and treasurer, assessor of the town, surveyor of streets, and employ a competent police force, and fix their fees and emoluments of office.

Third. To fill all vacancies of members of their own body, or of officers appointed by them, or of any officer elected at the annual May election, for the full term thereof or *pro tempore*:

Fourth. To make rules and regulations for the cleanliness, good order, decency, and decorum of the town; for the preservation of health, peace, lives, and the property of the inhabitants within the town.

Fifth. To adopt sanitary measures and regulations to prevent the introduction and spread of epidemics and contagious diseases.

Sixth. To clear the streets, alleys, pavements of all obstructions; to erect and sink cisterns, wells, and pumps, and keep open all springs in the town; and to ornament the grounds belonging to the town.

Seventh. To cause to be removed and abated all nuisances; and to regulate the storage of any combustible or unwholesome material.

Eighth. To cause any chimney, flue, stove-pipe, or fire-place to be changed and repaired, so as to remove any cause of danger or insecurity that might exist.

Ninth. To cause the owners and occupiers of property fronting on the streets and alleys to keep the streets and alleys in front of them clean and free from dirt and filth.

Tenth. To maintain and carry into execution, by any appropriate action, for the recovery of or damages for the detention, taking, or injury or destruction of any property, choses in action, which is vested in them.

Eleventh. To prohibit the erection of wooden buildings, whereby great danger may ensue to permanent and valuable improvements in any part of the town.

Twelfth. To suppress all tippling-houses, houses of ill fame, disorderly houses, retailing spirituous, vinous, and malt liquors without license, and gaming of every description, whereby money and other valuables are won and lost.

Thirteenth. To restrain and prohibit the running at large of hogs and cattle, authorize the distraining, impounding,

1874.

and sale of the same; also to prevent the running at large of unmuzzled dogs, and authorize the destruction of the same.

Fourteenth. To impose penalties for any violation of ordinances of the town, or of misdemeanors committed and occurring within its limits, or for the neglect or refusal of any person to conform to any regulations or orders of the board of trustees, or of officers of the town, within the scope of their authority, powers, and duties granted by this charter and the laws of the State.

Revenue and Licenses.

Revenue and
licenses.

§ 10. That the board of trustees shall have power and authority annually to assess, levy, and collect a tax on all real and personal estate, within the limits of the town, subject to taxation for State revenue, not to exceed forty cents on one hundred dollars' worth of property; also.

1. To levy and collect a poll-tax, not exceeding one dollar and fifty cents, on all male persons in the town over the age of twenty-one years.

2. To tax and license all shows and exhibitions of all kinds in any sum, not exceeding forty dollars, for such exhibitions on any one day.

3. To tax and license all auctioneers in any sum, not exceeding five per cent., for all goods, wares, and merchandise, and articles sold to bidders within the town, except property sold by citizens of the town, or by order of court, or by fiduciaries; and shall have a lien on the articles sold or to be sold for such tax, until such tax be paid, or such person selling or offering to sell the same take out license for that purpose.

4. To tax and license drays, wagons, carts, hacks, and coaches plying in the town for hire; also peddlers and itinerant venders of medicines, goods, wares, and merchandise, lottery agents, and butchers; and prevent any business being done of this kind without license.

5. To license and regulate the sale of spirituous, vinous, and malt liquors by tavern and saloon-keepers, and all other dealers, either wholesale or retail, in said town, and to fix the rate of tax to be paid by such as may be licensed, in any sum not exceeding two hundred dollars per annum, or to withhold such license, at their discretion: *Provided*, That no such license shall take effect until the dealer shall pay to the clerk of the Bourbon county court the tax imposed, and execute the bond required by the laws of the State.

6. To suspend indefinitely, or for a limited time, any license they may grant, whenever they may be satisfied that said tavern-keeper as coffee-house keeper, or other dealer, has permitted unlawful gaming, disorderly or in-

decent conduct to be practiced or committed in his house, or has permitted any person to tittle or drink to intoxication therein. 1874.

7. To suppress and prohibit the setting up and use for hire of billiard, Jenny Lind, or pigeon-hole tables, or any similar contrivance, within said town.

Paving and Repairing Streets.

§ 11. The board of trustees may, from time to time, direct and require the owners of lots, or parts of lots, in said town, when the same fronts on a street or alley, to cause the same to be curbed and paved with sidewalks in front of their respective lots or fractions of lots, of such width and of such materials, and in such manner, and at such elevations, as the board may deem expedient; and also to repair the same in such mode and manner as they may direct. If the owner or owners of said lots or fractions of lots shall fail or refuse to have the same repaired, curbed, paved, graded, or furnish with sidewalks, within the time or manner prescribed, by said trustees, it shall be lawful for the said trustees to have the same done at their own cost and charges; and the cost and charges thus incurred and expended by said trustees shall be taken, and be a tax upon such lots and fractions of lots, and the owners thereof, respectively, in proportion to the amount which the costs of the whole improvements under said order leaves to the length of said lots or fractions of lots respectively. Notice of such order or directions for repairing, grading, or furnishing it with sidewalks, shall be served by the marshal of the town on the person of the owner of said lots. Said notice shall be signed by the chairman and clerk of the board, and attested by the town attorney that the same is in accordance with the provisions of the act. Paving and repairing streets.

Opening Streets.

§ 12. That whenever the public convenience may, in the opinion of the board of trustees, require any street, alley, lane, or highway, to be opened, laid out, extended, changed, straightened, or altered, they may obtain, by purchase from the owners thereof, such real estate as may be necessary therefor; that in all cases where they cannot obtain by purchase such real estate, they shall have power to cause to be filed a petition in the Bourbon circuit court describing the same, and a writ of *ad quod damnum* shall be awarded by the court, directed to the marshal of the town: *Provided*, That all persons having an ownership or interest in such real estate shall be made defendants to said petition; and persons under disabil- Opening streets.

1874. ities and non-residents shall be proceeded against as required by the Civil Code of Practice.

Duties of Trustees.

§ 13. It shall be the duty of the said board of trustees.

Duties of trustees

First. To keep a journal of their proceedings; and at the request of a member the ayes and nays on any question shall be recorded: *Provided*, That no member shall vote on any question in which he has a private interest.

Second. To keep an account of all moneys levied, collected, and disbursed; and shall at all times keep their journal open to the inspection of the citizens of the town.

Third. To once a year give a full and fair statement, in writing, signed by the chairman, of all the sums collected, and of all sums disbursed the preceding year and for what, and of all debts due them, which shall be posted up at three (3) of the most public places within the town.

Fourth. To cause all orders and proceedings of the board to be entered on the journal, and to be signed by the chairman or the chairman *pro tempore*.

Fifth. To require all officers of the town to execute bonds, in adequate penalties, with sufficient securities, for the faithful discharge of their respective duties. Said bonds shall be made payable to the board of trustees of town of Millersburg, and may contain such stipulations and conditions as the board may require and receive, and when executed, shall operate as a lien upon all the real and personal estate of such officers and their sureties until their conditions are respectively complied with; and for a breach of such conditions and the unlawful act of officers, the trustees or any person aggrieved may sue and recover against the officers and their sureties, and have appropriate judgment and execution.

§ 14. It shall be duty of the chairman of the board to exercise a general supervision over all the executive and ministerial officers of the town, and see that the laws of the town are faithfully executed.

Clerk.

Clerk, his powers and duties.

§ 15. The board of trustees shall appoint a clerk, whose duty it shall be to preserve the books, papers, and records belonging to the office. He shall keep a regular journal of the proceedings of the board, and record all its acts and resolutions, and draft all agreements between the board and other persons. He shall furnish attested copies of all acts and orders passed by the board, when required to do so by persons entitled to demand the same. He shall draw his order on the treasurer for all sums due persons on claims allowed by the board. Upon the re-

turn of the assessor's lists to the board, he shall hand over one of said lists, with the additions and corrections made by the board, to the collector, together with the order fixing the rate of assessment; and also a list of the persons and property by whom and upon which taxes are due and unpaid, and the amount of each claim respectively. He shall perform all duties properly appertaining to his office, and may be removed at the pleasure of the board. 1874.

Treasurer.

§ 16. The treasurer appointed by the board shall take an oath to faithfully perform the duties of his office, and execute a bond in a penalty not less than one thousand dollars. The treasurer shall receive and receipt for all moneys paid to the board; he shall pay no money without a copy of an order of the board making the appropriation, signed by the clerk; and he shall file all such vouchers for settlement with the board. His books shall at all times be open to the inspection of the officers and citizens of the town. The treasurer is authorized to receive and receipt for all taxes that may be paid to him before the first of September, annually. He shall, on or before the tenth day of September, annually, report to the clerk of the board a true list of all the taxes and moneys received by him; he shall, whenever required, report to the board the condition of the treasury, and shall at all times be ready for a settlement.

Treasurer—his power & duties.

Assessor.

§ 17. That there shall be annually appointed by the board of trustees an assessor; and no one who is not qualified to vote for trustees shall be eligible to said office. He shall take an oath of office in substance the same as county assessor. It shall be the duty of the assessor to call upon all taxable persons in the town, and make out a true list of their taxable property, with the value thereof; which list shall be made upon the oath of the party, to be administered by the assessor. Said list shall be so taken as to include all real estate and every species of personal property subject to taxation for State revenue, and all male persons over twenty-one years of age. If any person shall refuse to give a list of his or her property, the assessor shall make out a list from the best information he can procure. If there is any real estate within the town, the owners of which are absent or are unknown, the assessor shall report the fact specifically on his list; and the board shall fix the valuation of such property, and cause it to be appended to the assess-

Assessor—his power and duties.

1874.

or's list. Two fair copies of said lists, arranged in alphabetical order, shall be completed and returned to said board on or before the first day of June, annually. Upon the return of the assessor's lists, the trustees shall give notice that any person or persons who may feel themselves aggrieved by an excess of valuation, may appear before them, at a stated meeting to be held for that purpose on or before the first of July, annually; and upon satisfactory evidence being made to them, they may change such valuation. The assessor shall receive for services rendered such compensation as the board shall determine after the lists are returned.

Judicial.

Police judge, marshal, and attorney to be elected, and their qualifications.

§ 18. The police court of Millersburg shall remain; it shall be a court of record, composed of a single judge, and shall have a marshal, and may have prosecuting attorney. No person shall be eligible to the office of police judge unless he be over twenty-one years of age, and shall have been a resident of the town one year next preceding his election; the qualifications of a marshal shall be those of a sheriff.

When judge and marshal to be elected.

§ 19. The police judge and marshal shall be elected by the qualified voters of the town at the time and place, and in the manner prescribed by this charter for the election of trustees, and shall hold their respective offices for the period prescribed for the trustees.

Jurisdiction of court.

§ 20. Said court shall have jurisdiction of all causes, civil, criminal, and penal, in which justices of the peace have jurisdiction; and that in all criminal and penal cases he shall have the jurisdiction of two justices of the peace, and of all misdemeanors occurring and committed within the town.

May arrest all offenders, take recognizances, &c

§ 21. Said court shall also have the power to cause the assets of all offenders for breaches of ordinance or the penal and criminal laws of the State, and commit or discharge, or admit to bail, if bailable, and take recognizances, with surety, for appearance before the proper tribunal, and to impose such fines and penalties as may be prescribed by law for breaches of the said ordinance; said judge shall be a general conservator of the peace within the town, and shall take an oath of office in substance the same as county judge.

Rules of court.

§ 22. Said court shall be governed in its rules of procedure by the Code of Practice, and appeals from its judgment may be taken as therein prescribed.

Persons fined to be placed in jail until same is paid

§ 23. Persons arrested under *capias pro fine*, or in custody, upon whom a fine has been imposed, shall be committed to jail until the same shall be paid, unless discharged

by law, or paid by work at the rate prescribed by ordinance, in or out of jail.

1874.

§ 24. A warrant to try any person for any alleged offense within the jurisdiction of the police court may be issued by any magistrate of Bourbon county, and shall be made returnable before the police judge, if for a violation of an ordinance of the town; and if, from any cause, the police judge cannot try the case, or fails to attend or hold court, the case may be tried before the officer issuing the warrant, or any other magistrate in the county, who may issue all appropriate mesne and final process in cases cognizable by said court, or which have been adjudicated.

How warrants are issuable and triable.

§ 25. Said court, whenever it is necessary, may detain offenders in custody over night, or if such persons are drunk, until they are sober, in the town jail or other safe place.

Court may hold offenders for trial

§ 26. That a return of not found on a *capias pro fine*, or of no property found on an execution of *feri facias*, issued from the police court, shall authorize in any court of competent civil jurisdiction the same procedure for the satisfaction of the judgment that may be had in civil cases after a return of no property found: *Provided*, Defendant shall have the right at any time to replevy for the same manner as allowed by law in similar cases in favor of the Commonwealth

Proceedings under return of no property on *capias*

§ 27. The process of said court shall be directed to and executed by the marshal, unless, for special reasons, the judge cause it to be directed to another, which may be to any sheriff, constable, policeman, or marshal; it shall run in the name of the Commonwealth of Kentucky, and may go into any county of the Commonwealth; and said marshal or other officer may execute it anywhere in the State, or make, by indorsement on the process, a special bailiff to execute it, and the bailiff shall have the right to execute it, and the fees therefor that the marshal has by law. The police judge shall be entitled to a fee of one dollar for issuing a warrant; and each judgment and recording the same, fifty cents; and for all other services shall be entitled to the same fees that are allowed justices of the peace for similar services.

To whom process shall be directed.

Fees of judge.

Attorney.

§ 28. That as soon as the board of trustees shall be elected and qualified, at the first (1) regular meeting of the same, they may appoint a prosecuting attorney, who shall take an oath of office to faithfully discharge his duties, and shall be a licensed attorney, and a resident of the county one year next preceding his election, and shall

Trustees to appoint attorney & his powers, duties, and compensation.

1874. hold his office one (1) year after his election, or until his successor is duly elected and qualified. It shall be the duty of the town attorney to perform all professional services incident to his office, and, when required, to furnish opinions upon all subjects submitted to him by the board of trustees or its committees. He shall receive for his services thirty (30) per cent. of all fines imposed by the police court of the town, and of all forfeitures to the board of trustees: *Provided*, That he shall not receive any portion of any forfeiture until the collecting officers shall have received the same. That the compensation given as aforesaid to the town attorney shall be his fees for such services, within the meaning of the tenth section of the third article of the Constitution of the State, and not subject to be remitted.

Marshal.

Powers, duties, &
compensation of
marshal.

§ 29. The marshal of the town, before he enters upon the duties of his office, shall take the oaths of office, in substance the same as those prescribed by law for sheriffs, and execute a bond, with sufficient security, in a sum of not less than five hundred dollars, conditioned as may be required by the board of trustees. It shall be his duty to execute and make due return of notices and all processes legally directed to him, and receive and collect fines and forfeitures due and payable to the town, and account for and pay over the same at the time and in the manner prescribed by law; and command and take with him, if need be, the power of the town to aid him in the execution of the duties of his office. He shall attend the meetings of the board, and serve and execute their orders, and all notices issued or made by them. He shall have all the powers, and shall be liable to all the responsibilities, of sheriffs, in the execution of the duties of his office.

§ 30. The marshal shall be *ex-officio* collector of taxes due the town: *Provided*, That the board of trustees may appoint another collector of taxes for the same reason that the county court may appoint another collector of revenue instead of the sheriff.

§ 31. A vacancy in the office of marshal shall be temporarily filled by the board of trustees until the next succeeding August election, and until the successor then elected shall qualify.

§ 32. That the marshal shall be allowed to charge the same fees and commissions that are allowed to constables for similar services; and for all other services shall receive such salary as may be determined by the board of trustees.

Miscellaneous Provisions.

1874.

§ 33. If a member of the board of trustees, or if any officer of the town, shall take, or agree to take, any bribe to do, or omit to do, any act in his official capacity, he shall forfeit his office, and be fined in any sum not less than two hundred nor more than one thousand dollars, to be recovered by civil procedure before any judicial tribunal having jurisdiction, or upon indictment or presentment of a grand jury.

Penalty for bribery.

§ 34. That the present trustees, and all other officers of the town, shall continue in office until their successors are elected and qualified under the present act; and hereby invested with all the powers, rights, and privileges which the trustees and officers to be elected under this act will possess.

Trustees to act until successors are qualified.

§ 35. That this act shall not invalidate any legal act done by the board of trustees of Millersburg, or by its officers, prior to the passage of this act; and all ordinances and regulations now in force in said town, until altered, modified, or repealed by the board of trustees, after this act shall take effect.

Act not to invalidate acts done under former laws.

§ 36. No suit shall be instituted against the trustees unless the same shall be instituted in the county of Bourbon.

Where suits to be brought.

§ 37. That all acts inconsistent herewith are hereby repealed.

§ 38. This act shall take effect from the passage thereof.

Approved February 23, 1874.

CHAPTER 555.

AN ACT to authorize the trustees of Morgantown to sell part of Hobson street in said town.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the trustees of the town of Morgantown, a majority concurring, be, and they are hereby, authorized to sell to the occupant of Hobson street, in said town, so much thereof as extends between lots Nos. 26 and 75. They are also empowered to make to the purchaser a deed to said parcel of land.

§ 2. This act shall be in force from and after its passage.

Approved February 23, 1874.

1874.

CHAPTER 556.

AN ACT to repeal an act, entitled "An act to authorize the trustees of the town of Carlisle, Nicholas county, to grant coffee-house license," approved February 17, 1866.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Made unlawful to
grant liquor li-
cense in said town

§ 1. That an act, entitled "An act to authorize the trustees of the town of Carlisle, Nicholas county, to grant coffee-house license," approved February 17th, 1866, be, and the same is hereby, repealed, and it shall not be lawful for the trustees of said town to grant coffee-house or other license with the privilege of selling ardent spirits within the corporate limits of said town: *Provided*, That this act shall not have the effect to suspend any such license under which any coffee-house may now rightfully exist until the expiration of the same.

§ 2. This act shall be in force from its passage.

Approved February 23, 1874.

CHAPTER 557.

AN ACT to amend an act incorporating the town of Milford, in Bracken county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Jurisdiction of
police judge en-
larged.

Shall keep record

Shall hold terms
for trial of civil
causes.

Fees of police
judge.

§ 1. The police judge of the town of Milford shall have jurisdiction within said town and in the county of Bracken concurrent with justices of the peace of all causes, civil, criminal, or penal; he shall have the jurisdiction now given by law to two justices of the peace in penal and criminal causes, and shall proceed in the same manner that justices of the peace are required to proceed in such cases. The police judge shall keep a record of his proceedings, a copy of which shall be evidence in all courts of justice, and have the same effect as records of justices of the peace; and shall, in all other matters not herein mentioned, have concurrent jurisdiction with justices of the peace, and receive the same fees which are now or may be allowed justices for similar services. He shall, in the months of January, April, July, and October, hold a court, on a day to be designated by the board of trustees, for the trial of civil actions, and shall have jurisdiction in such actions concurrent with justices of the peace in Bracken county, and be governed in all things in said court by the laws applicable to justices' courts. All trials before the police judge shall be had and held in the town of Milford. The police judge shall be entitled to a fee of one dollar for a peace warrant or for a warrant for

a riot, rout, breach of the peace, unlawful assembly, affray, misdemeanor, or for a breach of any law, by-law, or ordinance of the town of Milford. All general laws of the State not inconsistent with the provisions of this act shall apply to said town; and all acts heretofore passed in regard to said town inconsistent with this act are hereby repealed. 1874.

§ 2. This act shall take effect and be in force from the passage thereof.

Approved February 23, 1874.

CHAPTER 559.

AN ACT for the benefit of J. W. Pickering, of Crittenden county.

WHEREAS, At the June term, 1873, of the Crittenden circuit court, a fine of two hundred and twenty-five (\$225) dollars was assessed against J. W. Pickering for stabbing and wounding in sudden heat and passion. The amount due the Commonwealth of said fine was paid to the trustee of the jury fund, and by him paid into the State Treasurer; eighty dollars of said fine was afterwards remitted by the Governor; now, to enable the said Pickering to have the benefit of said remission, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts draw his warrant upon the Treasurer for the sum of eighty (\$80) dollars, payable to J. W. Pickering or order. Allowed \$80.

§ 2. That this act take effect from its passage.

Approved February 23, 1874.

CHAPTER 560.

AN ACT for the benefit of W. B. Tipton.

WHEREAS, W. B. Tipton, late sheriff of Montgomery county, departed this life on the 4th day of January, 1874; and whereas, at the time of his death he had many fee bills of his own, created while said sheriff, which were uncollected; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That his administrator, W. A. Cockrell, have the further time of two years from the passage of this act to list and collect said fee bills. Further time allowed administrator to settle business.

§ 2. That said fee bills shall be leviable, distrainable, and collectable for and during said two years, and have Fee bills made collectable as other fee bills.

1874. the same force that they had when created; but the collector of any of them that are illegal shall be under the same pains and penalties now prescribed by law for collecting illegal fee bills.

§ 3. That this act shall take effect and be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 561.

AN ACT to amend the charter of the city of Maysville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Council—term of office, how allotted

§ 1. That the three councilmen elected on the first Monday in January, 1875, in each ward of the city of Maysville, shall hold their respective offices as follows: one for one year, one for two years, and one for three years, the term of each to be determined by lot at their first meeting in council after their election, and entered upon the journal of their proceedings; and that thereafter, at the election held on the first Monday in January, in each year, one councilman in each ward, to fill the place of the one whose term expires, shall be elected by the qualified voters thereof, whose term of office shall be three years.

Council to appoint city officers

§ 2. That the board of councilmen, each year, shall appoint all the subordinate officers of said city, subject to removal by the council for failure to properly discharge the duties of their respective offices; and all amendments to the charter requiring or authorizing the election of the chief police officer, styled "The City Marshal," the city clerk, collector, and treasurer, wood and coal inspector, wharf-master and market-master, are hereby repealed.

§ 3. That this act shall take effect and be in force from and after the first day of January, 1875.

Approved February 23, 1874.

CHAPTER 562.

AN ACT to amend the charter of the city of Owensboro.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Council to submit proposition to subscribe stock in Russellville Railroad to people.

§ 1. That the mayor and council of the city of Owensboro shall have power and authority to submit to the qualified voters of the city of Owensboro a proposition to subscribe stock in the Owensboro and Russellville Railroad Company, the amount, however, not to exceed the

sum of (\$100,000) one hundred thousand, to be paid in the bonds of said city, bearing interest at seven per cent. per annum, the interest payable semi-annually, and the bonds to be due in twenty years after date, and to be taken in payment for said stock at their par value. 1874.

§ 2. If a majority of the voters of said city shall vote in favor of said proposition, then the said mayor and council shall have power to subscribe said stock, and issue the bonds of the city therefor. If proposition carries, subscription to be made & bonds issued.

§ 3. Notice of said election shall be published in the papers published in Owensboro for three weeks next preceding said election. Notice of election to be given.

§ 4. The tax-payers who may pay the tax to pay said bonds, or the interest thereon, shall be substituted for the city, and the certificates of stock shall be issued to said tax-payers whenever they shall present tax receipts to the amount of \$25. Tax-payer to have stock issued on receipts.

§ 5. And the mayor and council shall have power and authority to levy an ad valorem tax, not exceeding fifty cents on each (\$100) one hundred dollars' of value of the property in said city liable to taxation under the laws of the State of Kentucky, and also a capitation tax on each person over twenty-one years of age, annually, to pay the principal and interest on said bonds. Council may levy tax to pay said bonds.

§ 6. *Provided*, That the said bonds shall not be delivered, or the bonds, or any part of the interest thereon, shall be payable, until the said railroad is completed from Owensboro, Kentucky, to Nashville, Tennessee. When bonds to be delivered.

Approved February 23, 1874.

CHAPTER 563.

AN ACT regulating the return of executions in Trigg county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all executions now in the hands of the sheriff, constables, or other collecting officers of Trigg county, shall be returned, as soon as practicable after this act takes effect, to the office from which the same issued, and forthwith reissued and made returnable on the first day of March, 1875; and all executions hereafter issued in favor of and against any citizen of this county by the officers authorized to issue the same, shall be made returnable on the first day of March, 1875. Executions to be made returnable March 1st, 1875.

§ 2. That any lien which may have been acquired or created by the issuing of an execution shall not be released or impaired by the return of said execution, but shall continue in full force on any subsequent execution No legal rights to be impaired by act

1874. that may be issued; and after the said first of March, 1875, executions shall be issued and regulated according to the laws now in force, and sales of property regulated by the laws in force previous to the passage of this act.

Obligors in replevin bonds not to have benefit of act without consenting to same in writing.

§ 3. That in all cases when replevin bonds have been heretofore executed, the obligors to such replevin bonds shall not have the benefit of this act until they shall give their consent, in writing, that they accept the benefit of the extension of time given them by the issuing of any execution on any replevin bond; and that this consent shall be filed in the office where the replevin bond is filed, or whence the execution issued.

Act only to apply to actual citizens of Trigg county.

§ 4. That this act shall only apply when both debtor and creditor shall be bona fide citizens of Trigg county; and nothing contained in it shall be so construed as to impair or repeal the laws now in force for the collection of the revenues of the State.

§ 5. That this act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 564.

AN ACT for the benefit of R. Y. Bush, of Hancock county.

WHEREAS, It appearing that R. Y. Bush, as guardian of Samuel and Nannie Lowe, did improperly assess with the commissioner of tax for the county of Hancock, in the years 1871 and 1872, three thousand dollars' value of bank stocks in Commercial Bank of Kentucky and Bank of Louisville, and has paid State revenue thereon for 1871 the sum of thirteen dollars and fifty cents, and for the year 1872 the sum of thirteen dollars and fifty cents; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Allowed \$27.

§ 1. That the Auditor of Public Accounts be, and is hereby, directed to draw his warrant on the Treasury in favor of R. Y. Bush, guardian, for the sum of twenty-seven dollars.

§ 2. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 565.

1874.

AN ACT to amend an act, entitled "An act to authorize the Pendleton county court to raise money to build bridges, &c.," approved March 7, 1868.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section one of an act, entitled "An act to authorize the Pendleton county court to raise money to build bridges, &c.," approved March 7, 1868, be, and the same is hereby, repealed, and in lieu thereof insert the following: that the county court of Pendleton county shall have power, the presiding judge and a majority of the justices of the peace in commission being present and concurring therein, to impose a county levy or poll-tax upon all persons in said county liable to pay county levy at any, or at any other term of the court in each year, not exceeding two dollars on each tithable, for the sole and express purpose of paying off the bridge bonds of said county.

§ 2. That section two of said act be so amended as to read, in line four, "forty," instead of "twenty."

§ 3. That sections three, four, and five be stricken out.

§ 4. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 566.

AN ACT to apply the provisions of an act, entitled "An act to incorporate a police municipality in Jefferson county to certain other precincts."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the provisions of an act, entitled "An act to incorporate a police municipality in Jefferson county," approved February 11th, 1874, be, and the same are hereby, made to apply to the following additional precincts in said county, viz: Cane Run precinct, Shardine's precinct, Blankenbaker's precinct, which three precincts shall constitute one police municipality under the law above mentioned.

Former act applied to Cane Run, Shardine's, & Blankenbaker's precincts.

§ 2. That this act shall take effect from and after its passage.

Approved February 23, 1874.

1874.

CHAPTER 567.

AN ACT to amend an act, entitled "An act to amend an act, entitled 'An act to incorporate the Claysville Male and Female Academy.'"

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

When election of officers to take place.

§ 1. That an act, entitled "An act to amend an act, entitled 'An act to incorporate the Claysville Male and Female Academy.'" be, and the same is, so amended that the election provided for in article first of said amendment shall be held on the first Monday in September, 1874. at which time the stockholders shall hold an election for president, directors, secretary, and treasurer, and annually on said day thereafter.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 568.

AN ACT to amend an act, entitled "An act for the organization of the public schools in the town of Claysville, in Webster county."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees to fix day of election.

§ 1. That an act, entitled "An act for the organization of the public schools in the town of Clayville, in Webster county," Kentucky, be, and the same is hereby, so amended as to authorize the trustees of said school district provided for in article first of said act, so soon as practicable after the passage of this amendment, publish the act calling the election, which shall be held on such a day as they by their discretion may fix upon, and for such other purposes as are provided for in said act.

Trustees may change boundary of district.

§ 2. That the trustees of the Clayville public school may, on the petition of any person or persons whose land or lands adjoin the district, as is laid down in the act to which this is an amendment, embrace his or her or their lands in said district, and give him, her, or them the benefit of this act on his, her, or them paying, or agreeing to pay, the taxes to be levied on his, her, or their property, for the benefit of said school, just as though he, she, or they were included in the said district provided for in the act to which this is an amendment; and they shall have all the same rights and privileges as though living within the boundary of the said district: *Provided, however,* That when so admitted, the same shall not be withdrawn except on the mutual agreement of the persons admitted and the board of trustees of said district.

§ 3. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 569.

1874.

AN ACT to amend the charter of the city of Cynthiana.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act approved January 22d, 1870, be, and the same is hereby, repealed.

§ 2. That the mayor of the city of Cynthiana shall have and exercise all the judicial power and authority conferred upon him by an act, entitled "An act to incorporate the city of Cynthiana," approved January 22d, 1868; and that act, and all of its provisions, in so far as it was repealed and suspended by the act of 22d of January, 1870, is hereby re-enacted and made a part of this act.

Mayor reinvested with powers heretofore granted, & afterwards withdrawn.

§ 3. This act shall take effect on the 4th day of August, 1874.

Approved February 23, 1874.

CHAPTER 570.

AN ACT to incorporate the town of New Columbus, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of New Columbus, in Owen county, is established and incorporated, with the lots, streets and alleys, and land, in the following boundary, to-wit: commencing at J. W. Ireland's, running down Gill's branch, including C. G. Sinclair and the school-house, then up the Lee's Mill road, including the Henry farm; thence to Payn's run, including J. L. Durham; thence to the mouth of branch below J. W. Ireland's; thence to the beginning, embracing all persons living in said boundary.

Boundary.

§ 2. That Dr. Trigg, A. Price, and John Ireland, are appointed trustees for said town, who shall have the same power and authority that trustees of other towns have in this Commonwealth under the general laws regulating the same; and that all the rights and privileges possessed under same general laws are hereby conferred upon the town of New Columbus.

Trustees' names and powers.

§ 3. That it shall be lawful for the legal voters of said town, annually, to elect three trustees for the government of said town. The trustees mentioned in this act shall serve until the first Saturday in May, 1874, at which time the first election shall be held, and annually on the same day in each year thereafter.

Trustees to be elected annually.

§ 4. The trustees shall have power to fill vacancies occurring in their body until their regular election. They

Trustees to fill vacancies, &c.

1874. may adopt such by-laws for the good government of said town, not in conflict with the Constitution and laws of the State, as to them may seem proper. They shall also keep a correct record of their proceedings as trustees; and before they enter upon their duties, they shall take an oath before some justice of the peace of Owen county to faithfully perform the same

§ 5. This act to be in force from its passage.

Approved February 23, 1874.

CHAPTER 571.

AN ACT to reincorporate the town of Monterey, in Owen county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Trustees may extend boundary. § 1. That the act incorporating the town of Monterey, and all amendments thereto, be, and the same are hereby, repealed: *Provided, however,* That the corporate limits of said town shall remain as now established until after the election of trustees, who shall have power to extend the same, not exceeding two hundred yards in any direction.

When officers to be elected. § 2. That the said town of Monterey is hereby reincorporated; and that E. T. Calvert, F. R. Walker, and B. D. Head shall, on the first Monday in August, 1874, hold an election for five trustees, a police judge, and town marshal, and on the same day biennially thereafter, except as to police judge, who shall be elected on the same day in every fourth year thereafter.

Name and style of corporation & powers. § 3. The trustees created by this act, and their successors in office, are hereby created a body-corporate and politic, under the name and style of the Trustees of the Town of Monterey; and under that name they may sue and be sued, plead and be impleaded, in all the courts of this Commonwealth.

Qualifications of electors. § 4. All qualified voters living inside the limits of said town, or owning real estate therein, shall be entitled to vote in the election of trustees and all other town officers.

Term of office of trustees. § 5. The trustees, when elected, shall continue in office for two years, and until their successors are qualified, and shall take an oath to faithfully discharge all the duties pertaining to their office.

Power of trustees § 6. The said trustees shall have power over the streets, alleys, and sidewalks of said town, and may direct and order the improvement of the same as they may deem best for the interest of said town; they shall have power to levy and collect an ad valorem tax on the property of said town, not exceeding twenty-five cents on the one hundred dollars in any one year; they shall have power to tax all

auction sales, shows, and exhibitions for money or profit, such sums as they may deem just, or as may be provided in their by-laws; they shall have power to declare what are nuisances, and to remove the same, and to pass all by-laws and ordinances necessary to give effect to all the powers herein granted. 1874.

§ 7. That it shall be the duty of said trustees to appoint a clerk and treasurer, and, by ordinance, define their duties; and shall require the treasurer to give bond for the performance of his duties. Trustees to appoint clerk and treasurer, and require bond.

§ 8. All taxes levied and collected by said trustees, and all fines and forfeitures for the violation of by-laws and ordinances of said town, shall be paid to the treasurer for the benefit of said town. Taxes, fines, &c., how disposed.

§ 9. No money shall be drawn from the treasury except by order of chairman of board of trustees, in pursuance of their orders of said board. How funds to be drawn from treasury.

§ 10. The trustees may annually appoint an assessor to take a list of all the taxable property in said town. Trustees to appoint assessor.

§ 11. The police judge, when elected, shall hold his office for two years, and until his successors is qualified. Said police judge shall, by virtue of his office, be a conservator of the peace, and, before he enters upon the discharge of his duties, take an oath before the county judge of Owen county to faithfully and impartially execute all the duties of police judge of said town; and shall take such other oaths as are required of justices of the peace. The police judge shall have concurrent jurisdiction with the justices of the peace in Owen county, and be entitled to the same fees. Police judge shall have jurisdiction, within the limits of said town, of all infractions of the by-laws and ordinances of said town. He shall also have power to fine for contempt, not exceeding five dollars, and imprison, not exceeding six hours. A vacancy in the office of police judge shall be filled by the trustees of said town, the appointee to hold office until the succeeding regular election. Police judge—when elected, power, and duties.

§ 12. The town marshal, when elected, shall hold his office for two years, and until his successor is qualified; and, before entering upon this office, take the same oaths required of constables of Owen county, and in the county court of Owen county execute bond, with good security, the same as required of constables, with the further covenant that he will perform all the duties of marshal of said town according to law. The marshal shall have concurrent jurisdiction with constables in Owen county, and be entitled to the same fees for his services. It shall be the especial duty of said marshal to execute all process issued for an alleged violation of the by-laws and ordinances of said town, and to promptly collect all taxes, Town marshal—when elected, power, and duties.

1874. fines, and forfeitures, and pay the same to the treasurer of said town.

Trustees may
pass by-laws, &c.

§ 13. The trustees are empowered to pass such by-laws and ordinances, which do not contravene any law of this Commonwealth, as may be necessary for the good government and well being of said town, and to fill any vacancy in any office created by this act.

§ 14. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 575.

AN ACT for the benefit of the Bank of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the twenty-first section of an act, entitled "An act to incorporate the Louisville Bank of Kentucky," approved the second of February, 1833, be so amended that the time specified in said section for the sale of real estate purchased or acquired by said bank in the payment of debts to said bank, be, and the same is hereby, extended five years from and after the passage of this act.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 577.

AN ACT to amend an act, entitled "An act to create a court of common pleas in Fayette, Woodford, Bourbon, Bath, &c."

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1: That the sheriffs of the respective counties and clerks of the circuit courts shall act as sheriffs and clerks of the court of common pleas, and shall receive like fees for like duties performed for the circuit courts.

§ 2. That the county of Clark be added to the district of the common pleas court created by an act to which this is an amendment, and all the provisions thereof shall apply to said county.

§ 3. That said court shall be held in said county of Clark on the first Monday in February and the second Monday in August in each year, and shall continue not more than twelve juridical days each.

§ 4. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 578.

1874.

AN ACT for benefit estate Richard H. Lansdale, deceased.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the administrator of the estate of Richard H. Lansdale, deceased, late clerk Bullitt circuit court, have the further time of two years, from and after the passage of this act, to list and collect his fee bills, subject to all laws regarding the issuing and collecting illegal fee bills.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 579.

AN ACT to prevent the selling or giving of spirituous, vinous, or malt liquors within two miles of the academy of E. J. Murphy, in Pembroke, Christian county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person within two miles of the house now occupied as an academy by E. J. Murphy, in Pembroke Christian county, to sell, give, or deliver to any person (except as medicine on the written prescription of a practicing physician), in any quantity whatever, any spirituous, vinous, or malt liquors, or mixtures thereof, or any bitters or other decoction containing liquors, except as aforesaid, or any drink, under whatever name it may be called, that will intoxicate.

§ 2. For any violation of this act, the person or persons so violating it shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense, such fines to go, one half to the informer, and the other half to the common school fund, and if the informer declines or refuses to take the part going to him, it shall also go to the school fund.

§ 3. The police judge of Pembroke, and the justices of the peace of the Pembroke district, shall have concurrent jurisdiction with the circuit court of all violations of this act.

§ 4. This act shall be given in charge to the grand jury by the judge of the circuit court of Christian county.

§ 5. This act shall take effect from its passage; but shall not affect persons now having license to retail ardent spirits who will be permitted to sell until their present licenses expire, and no longer.

Approved February 23, 1874. .

1874.

CHAPTER 580.

AN ACT for the benefit of A. T. Keen, late sheriff of Cumberland county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That A. T. Keen, late sheriff of Cumberland county, have the further time of two years, from the first day of March, 1874, to collect any uncollected fee bills and any uncollected taxes due him, and which he has in anywise accounted for and paid; and said Keen, or any one of his late deputies, shall have the same power for said time of two years, from March 1st, 1874, to distrain, levy, and sell, in the collection of any of the said fee bills and taxes due him, and remaining in his hands uncollected, that sheriffs now have for the collection of fee bills and taxes; but said Keen, and his securities on his official bond, shall be responsible to any one injured by an illegal seizure or proceeding under the privilege of this act; and the same A. T. Keen and his sureties shall be subject to all the penalties now in force by law for issuing or collecting illegal fee bills.

§ 2. This act shall be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 581.

AN ACT to amend an act incorporating the Farmers and Drovers' Bank, approved February 18, 1869.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled "An act to incorporate the Farmers and Drovers' Bank," approved February 18th, 1869, be, and the same is hereby, so amended as to authorize said bank to receive on deposit any sum of money not less than fifty cents; and minors and married women may make deposits and control the same; such deposits shall be paid to each depositor at such times, and with such interest, and under such regulations, as the board of directors shall, from time to time, prescribe; such regulations shall be put up in some public and conspicuous place in the room where the business of said bank shall be transacted, and shall not be altered so as to affect any one who may be a depositor previous to such alteration, as to any sum of money on deposit at the time such alteration is made.

§ 2. This act shall take effect from its passage.

Approved February 23, 1874.

CHAPTER 582.

1874.

AN ACT to create and incorporate a clearing-house in the city of Louisville.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That to facilitate the banks of this State in the transaction of their business, there is hereby created and established a body-politic and corporate, to be styled and known as "The Clearing-house of the City of Louisville;" which shall be capable of contracting and being contracted with, of suing and being sued, of pleading and being impleaded, of answering and being answered, and defending in all courts of law and places whatever; and said corporation may have a seal, and alter and change the same at pleasure.

§ 2. Said corporation may acquire, hold, possess, use, occupy, and enjoy all such real estate, goods and chattels, as shall be convenient and needful for the transaction of its business, and sell and convey the same; and after its organization, as herein provided for, it shall have power and authority to make and adopt a constitution, and such by-laws and rules for their control and management, and the control and management of its business, as they may deem proper, prudent, and needful, and to alter, change, and amend the same as may be prescribed by said by-laws or constitution; and when such by-laws or constitution are adopted by said corporation, they shall have the same effect and force as if herein fully enacted: *Provided*, Said by-laws and constitution are not contrary to the Constitution and laws of this State or those of the United States. Nothing in this act shall authorize or empower the clearing-house of the city of Louisville to engage in any business of any kind except the usual and customary business and operations of a clearing-house.

§ 3. James M. Duncan, C. N. Warren, Thos. L. Barrett, Jas. A. Leach, John B. Smith, R. M. Cunningham, J. H. Lindenberger, R. B. Alexander, George S. Allison, John G. Barret, are hereby appointed commissioners to organize this corporation, a majority of whom may act, who can organize by the acceptance of this charter, a record of which organization and acceptance shall be kept by said corporation. The commissioners named, who organize this corporation, shall elect such officers as they deem proper, and shall manage the business of said corporation until, by its constitution or by-laws, some other mode of its management and control shall be agreed upon, adopted, and shall take effect; they may provide, by its by-laws or constitution, who shall be members of said corporation,

1874. the mode of becoming members thereof, and the terms of becoming members, as well as the mode of its expelling its members, as well as what officers, agents, or servants it shall have, how chosen or elected, as well as their compensation, and how removed.

§ 4. This act shall take effect and be in force from its passage.

Approved February 23, 1874.

CHAPTER 583.

AN ACT for the benefit of the owners of Wabash Island.

WHEREAS, It is represented that Wabash Island is sufficiently protected by the Ohio river from trespasses by stock from the main land, and that stock are frequently driven or transported from the main land to said island, to the great annoyance and damage of the owners thereof; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That it shall be unlawful for any person or persons, except the owners of land there, to drive or transport any cattle to said island, or for any cattle to be and go at large on said island, except such as belong to the owners of land thereon.

§ 2. That if any cattle, other than those belonging to the owners of land thereon, be found on said island, they may be impounded by the owner of the land where they may be found, who shall give written notice of such impounding to their owner if known; and if such owner be not known, then he shall post notice thereof at some point on the main land convenient to said island; and if the cattle be not removed therefrom within three days after the service or posting of such notice, it shall be lawful for the person so impounding said cattle to sell the same at public auction, after having advertised the time and place of said sale in the town of Uniontown, and at two other places on the public county road nearest to said island, for not less than five days before the day of such sale. Said sale shall be for cash, and the proceeds thereof, after deducting therefrom fifty cents per head for each day such cattle shall have been impounded, shall be paid to the clerk of the county court of Union county for the benefit of the owner thereof; and if such cattle be removed by their owner, he shall pay fifty cents per head for each day they may have been impounded.

§ 3. This act shall be in force from its passage.

Approved February 23, 1874.

CHAPTER 584.

1874.

AN ACT exempting Hart county from the provisions of the law authorizing the appointment of a "Commissioner of Claims" for said county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the law requiring county courts to appoint a commissioner to audit and report on claims against the county to the court of claims be, and the same is hereby, repealed as to Hart county.

§ 2. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 585.

AN ACT to provide for the reimbursement and compensation of George R. McKee for expenses incurred and services performed in the prosecution of the claim of Kentucky against the Government of the United States known as the War Claim.

WHEREAS, The Secretary of the Treasury of the United States, by his opinion and order of August the 3d, 1871, denied the validity of the claim of Kentucky known as the War Claim, and refused payment of the same, and declared that said opinion was final so far as the Treasury Department of the United States was concerned; and whereas, afterward, on the 16th day of December, 1871, the Commissioners of the Sinking Fund authorized and employed George R. McKee to procure an order from the proper authorities of the United States for the payment of said claim; and the said George R. McKee, by virtue of said employment, and in pursuance of said authority, did file his petition for and on behalf of the State of Kentucky, and in the name of the Governor thereof, in the Supreme Court of the United States, praying for a mandamus against the Secretary of the Treasury of the United States, to compel him to deliver a warrant for the sum of \$525,258 72, part of said claim for which a requisition had been made by the Secretary of War on the 30th June, 1871; and under said application and petition such proceedings were had as resulted in the recognition of the justice of said claim, and the payment of the aforesaid sum of \$525,258 72 to the proper authorities of Kentucky, part of said claim, and other sums, parts of the same, have been paid, and will continue to be paid, as the accounts are settled and adjusted by the proper accounting officers of the Treasury of the United States, to the extent in the whole of \$1,000,000; now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts be, and he is hereby, authorized and directed to draw his warrant on

1874. the Treasury in favor of George R. McKee for the sum of one thousand dollars, to reimburse him for expenses incurred, and as compensation for his services, in prosecuting an application and petition for mandamus before the Supreme Court of the United States, in the name of the Commonwealth of Kentucky, on the relation of Preston H. Leslie, Governor of said Commonwealth, against Geo. S. Boutwell, Secretary of the Treasury of the United States, to compel the payment of the Kentucky War Claim.

§ 2. This act shall be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 587.

AN ACT for the benefit of Walter G. Saunders, sheriff of Lincoln county.

WHEREAS, A judgment was rendered in the fiscal court held in Frankfort against Walter G. Saunders, sheriff of Lincoln county, Kentucky, and his sureties, for a balance of the revenue (1872) due the State, together with interest, costs, and damages of five per cent., and damages of twenty per cent.; and whereas, an execution issued from the Franklin circuit court clerk's office, directed to the sheriff of Boyle county, who collected the whole amount of said execution, which included the sum of \$1,074 86, that being the amount of the twenty per cent. damages adjudged against said Saunders; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is hereby authorized and directed to give Walter G. Saunders, sheriff of Lincoln county, credit on his account for the revenue of 1873, for the amount of the twenty per cent. damages collected from him upon the judgment aforesaid, amounting to the sum of \$1,074 86, as shown by his records.

§ 2. This act to take effect from its passage.

Approved February 23, 1874.

CHAPTER 588.

AN ACT for the benefit of P. G. Smith and Alexander Hauchin, securities of O. G. Moore, late sheriff of Edmonson county.

That whereas P. G. Smith and Alexander Hauchin, together with several others, became the surety of O. G. Moore, late sheriff of Edmonson county, upon his revenue

bond for the payment of the revenue for 1872; and whereas, the said O. G. Moore failed to pay off and discharge said bond as required by law, and in consequence of which, judgment was taken in the Franklin circuit court by the Commonwealth of Kentucky upon the aforesaid bond, against O. G. Moore and his sureties, to-wit: W. C. Hauchin, O. P. Shackelford, J. B. Crump, Will Self, L. W. Meredeth, Edward Blair, J. W. Stice, S. R. Tams, A. B. N. Miller, Alexander Hauchin, James A. Edwards, and P. G. Smith; and whereas, all of the above named securities of the said O. G. Moore and said bond, except P. G. Smith, James A. Edwards, and Alexander Hauchin, have taken the benefit of the bankrupt law, the most of whom, if not all, have received their discharges; and whereas, all the property owned by P. G. Smith and Alexander Hauchin, both real and personal, have been levied upon and sold under an execution which issued upon the aforesaid judgment from the Franklin circuit court, which leaves the said Smith and Hauchin and their families in a destitute and penniless condition; therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That P. G. Smith and Alexander Hauchin, of Edmonson county, be, and they are hereby, relieved of any further responsibility as the securities of O. G. Moore, late sheriff of Edmonson county, for the payment of a balance of a judgment obtained by the Commonwealth of Kentucky against O. G. Moore, late sheriff of Edmonson county, and P. G. Smith, Alexander Hauchin, and others, his sureties, and that no execution shall be issued against the said Smith and Hauchin hereafter upon said judgment: *Provided*, That the release of said P. G. Smith and Alexander Hauchin shall only amount to a payment *pro tanto* by them, and that the other securities mentioned upon said bond shall, in no event, be liable for the pro rata portion of the parties hereby released from the payment of said judgment.

§ 2. This act to take effect from and after its passage.

Approved February 23, 1874.

1874.

CHAPTER 589.

AN ACT to authorize the city of Owensboro to subscribe stock to the Vincennes, Petersburg, and Owensboro Railroad Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Mayor and council may subscribe stock.

§ 1. That the mayor and council of the city of Owensboro shall be, and are hereby, vested with power and authority to subscribe one hundred thousand dollars to the stock of the Vincennes, Petersburg, and Owensboro Railroad Company, and to pay for said stock in the bonds of the city of Owensboro, payable at thirty (30) years after date, with interest at eight (8) per cent. per annum thereon, payable semi-annually: *Provided*, Said subscription shall be made upon the condition that said company shall agree, in writing, to run, contract, and complete said railroad from Vincennes, in the State of Indiana, so as to make the terminus of the same on the Ohio river, in the State of Indiana, opposite the city of Owensboro, Kentucky: *And provided further*, That the said bonds, nor the interest arising thereon as aforesaid, or any part thereof, shall become due or payable until after the building and completion of the said railroad; and the said stock so subscribed, and dividends on the same arising from said road, shall stand pledged for the payment of the principal and interest of said bonds so to be issued as aforesaid; shall be applied from time to time in the purchase and withdrawal of said bonds, in such manner and under such regulations as said parties may agree to in writing.

Terminus of road

Vote on same to be taken.

Tax to be levied to pay same.

May pay same in five years, &c.

§ 2. That no subscription shall be made under the provisions of this act until after the mayor and city council of Owensboro shall have made an order directing the question to be submitted to the qualified voters of said city of Owensboro, in such form, and under such regulations, as may be provided by said mayor and city council; and after a submission to the qualified voters as aforesaid, if a majority of all the legal voters, and not until then, then the mayor and council of said city shall make such subscription, on such conditions set forth in the ordinance authorizing the same, and not otherwise.

§ 3. That should said subscription be made, and the bonds aforesaid issued, in accordance with the provisions of the preceding sections of this act, it shall be the duty of the mayor and council of the city of Owensboro, after the completion of said road from Vincennes to a point on the Ohio river opposite Owensboro, to prescribe by ordinance the mode and manner of the payment of such bonds; and may, for that purpose, levy a tax upon the property of said city, under such rules and regulations,

and collectable in such manner, as they may see proper, not inconsistent with the Constitution and laws of this State: *Provided*, The mayor and council of the city of Owensboro may, if they deem best, within five years from the date of said subscription, pay the same; and for this purpose may levy and collect an annual tax, as provided by this act, sufficient to pay one fifth of said subscription annually, and shall be entitled to a certificate of stock in said company for the amount thus paid; and on the full payment of the said subscription shall be entitled to stock in said company for the full amount subscribed and paid in; but in no event shall such subscription be made or bonds issued unless a majority of all the legal voters in said city of Owensboro vote therefor, and said road completed by the most direct and available route from Vincennes, in the State of Indiana, to a point opposite Owensboro, Kentucky, on the Ohio river. 1874.

Approved February 23, 1874.

CHAPTER 590.

AN ACT to amend the charter of the city of Mayfield.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the city council of the city of Mayfield be, and it is hereby, authorized to subscribe in the name of said city to the capital stock of the Cairo and Tennessee River Railroad Company as much as fifty thousand dollars. May subscribe stock in Cairo & Tennessee Railroad.

§ 2. That in order to pay said subscription said city council is authorized to issue the bonds of said city to said Cairo and Tennessee River Railroad Company, payable at such times and installments as said city council may determine, payable within thirty years from their date, bearing interest at seven per cent. per annum, payable annually by coupon certificates. Issue bonds to pay stock.

§ 3. That said stock in said railroad company shall be held by the city of Mayfield, and pledged for the redemption of the principal of said bonds: *Provided*, That any portion of said stock may be sold at any time for such price as the city council may cause it to accept, and the proceeds of said sale to be applied towards the payment and extinguishment of the principal of said bonds. Stock may be pledged for payment of bonds.

§ 4. That it shall be the duty of the city council in each year, at the same time at which the annual levy is made for other purposes, to levy an ad valorem tax upon the property, real and personal, except choses in action, and evidences of debt by notes and accounts, of the prop- Tax levied to pay interest on bonds

1874. erty-holders of said city, upon which other taxes are levied for city purposes, for a sum sufficient to pay the interest upon said bonds, and cause the same to be collected by its tax collectors; and said city council shall, prior to the maturity of said bonds, at the period of making their annual assessments, increase the amount of said special tax sufficient to provide a sinking fund to pay off and extinguish the principal of said bonds at maturity.

Taxes may be increased, if necessary, to pay bonds

§ 5. To enable the said city council to amply provide the payment of the principal and interest of said bonds, they are hereby empowered to increase the annual assessments now authorized by the charter of said city of Mayfield an amount not exceeding five dollars on each one thousand dollars' worth of taxable estate in said city, exclusive of the exceptions in the fourth section of this act.

Terms of payment of bonds.

§ 6. The said city council shall not issue the bonds herein provided for until the said Cairo and Tennessee River Railroad Company shall have finished the construction of their railroad on one end of its line to within one mile of the said city of Mayfield.

When terms of sixth section complied with by railroad, may compel payment of stock.

§ 7. If, after the provisions of (6) sixth section of this act are complied with upon the part of the said Cairo and Tennessee River Railroad Company, the said city council shall fail or refuse to perform any of the duties enjoined upon it by the provisions of this act, it shall be subject to mandamus or other appropriate remedy at the instance, if for a failure to issue said bonds, of the president of said railroad, if for failure to perform any of the other duties enjoined by this act, at the instance of any holder or holders of any of said bonds, instituted in the Graves circuit court, to compel a performance thereof. An application for a writ of mandamus, by virtue of this act, shall be by motion in said circuit court, upon a notice of ten days, in writing, of such motion, to the presiding officer of said city council.

Bonds, how signed.

§ 8. The said bonds shall be signed by the treasurer of said city and countersigned by the presiding officer of said city council.

May subscribe to other railroad on failure of Cairo & Tennessee Railroad to accept the stock.

§ 9. If the said Cairo and Tennessee River Railroad Company should fail or refuse to accept the stock herein provided for them, the said city council may subscribe the same to any other railroad company under the same restriction as herein provided for the said Cairo and Tennessee River Railroad Company.

Terms on which bonds to issue.

§ 10. All acts and parts of acts in conflict with this act are hereby repealed.

§ 11. Before the bonds herein provided for shall be issued on the stock subscribed, the said city council open a poll at the mayor's office, in said city, and take the sense of the qualified voters in the limits of said city

owning property proposed to be taxed by this act. Said election shall be held on the first Saturday in May, 1874; and if a majority of the voters in said city, to be ascertained by the assessor's report last preceding the election, are in favor of subscribing the stock, as herein provided for them, the said city council shall proceed to make said subscription of stock to the said Cairo and Tennessee Company. 1874.

§ 12. This act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 591.

AN ACT to incorporate the town of Russell, in Greenup county.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the town of Russell, in Greenup county, be, and the same is hereby, incorporated. The corporate limits shall be as follows, viz: Beginning on the Ohio river at the mouth of a creek, at lower end of Carner's Grove; thence south sixty-two degrees west to the top of the ridge of the river hill; thence in a southern direction along the top of said ridge and down the hill to Bear Run; thence down the meanderings of same to the Ohio river; thence down the Ohio river to the place of beginning. Corporate limits fixed.

§ 2. That H. D. McKnight, Patrick McNichols, Hugh B. McCurdy, Charles McKnight, George Hany, F. A. Long, be, and are hereby, appointed trustees of said town, and shall hold their office until the first Monday in April, 1875, and until their successors are elected and qualified; and annually on the first Monday in April, in each year thereafter, there shall be an election of three (3) trustees; of the six (6) first elected three (3) shall hold their offices for two (2) years; and it shall be determined by lot who shall hold for two (2) years, and the result entered on the minutes of the board of directors. Ten days' notice, in writing, of the time and place of each election, must be set up by the clerk of the board at five (5) of the most public places in the town. If two (2) or more persons shall receive an equal number of votes, the clerk shall decide who is elected. No person shall be eligible to the office of trustee who is not a citizen of the town, and a qualified elector of this Commonwealth. No person shall vote at an election of trustee who has not resided in the town where the election is held sixty (60) days next pre- Trustees created, election for same to take place, and time.

1874.

ceding the same, and who is not a citizen of the State. The trustees shall appoint two (2) discreet persons, citizens of the town and qualified voters, to act as judges of the election. The clerk of the board shall be clerk of the election; but if, from any cause, he should fail to attend, the judges of the election may appoint a clerk of the election. The judges and clerk shall be sworn before proceeding with the election faithfully to discharge their duties, and shall make report of the result of the election to the clerk of the county court, and also to the trustees. If, from any cause, no election is held at the time prescribed, the county court of the county shall appoint five (5) trustees for such town, to act until the next stated election. Trustees shall enter upon the duties of their offices on the Monday next succeeding their election or appointment, and continue in office until their successors are qualified. A trustee appointed to fill a vacancy shall enter upon the duties of his office immediately after he has qualified as such. Every trustee, and clerk of the board of trustees, shall, before he enters upon the duties of his office, take the oaths prescribed by law.

By-laws for general government to be adopted.

§ 3. The trustees may make such rules and regulations for the government of the town, not inconsistent with the laws and Constitution, as they may deem necessary and proper; they may fill vacancies in their board until the next stated election; they must cause the streets of the town to be kept clean and in good order; they may levy an annual tax on the males over twenty-one (21) years of age residing in the town, not exceeding one dollar upon the head; and may levy an *ad valorem* tax on the real estate in the town of not exceeding thirty (30) cents on the one hundred dollars: *Provided*, That all farming lands held and used as such shall be held for taxation at such rates as the trustees may fix upon said land; they may appoint a clerk, assessor, town warden, collector, and treasurer, and take from the two latter bond and good security for the faithful performance of their duties. Four trustees may constitute a board to do business.

§ 4. The trustees shall be a body-corporate; and by the name of the trustees of the town of Russell may sue and be sued; and may appoint all necessary agents and attorneys in that behalf; they may elect one of their body chairman of the board.

May purchase ground for cemetery.

§ 5. They shall have power to purchase, take, and hold the title to not exceeding forty acres of land in or near the town for a public cemetery; they shall have the power to improve such ground, and appoint a keeper thereof; to sell small parcels of the ground to individuals for the purpose of interment; to receive and collect subscriptions to

aid in purchasing, improving, and taking care of and repairing such ground.

1874.

§ 6. They shall have the power to tax any show or exhibitions, and bowling alleys, within the town, or within quarter of a mile of the limits thereof, to the same amount as they may be taxed by the State.

Shows to be taxed

§ 7. No stallion or jackass shall stand within the bounds of the town without first being authorized so to do by a license from the trustees thereof, designating the place at which he is to stand. For a violation of this section, the keeper and owner of such animal shall be jointly and severally liable to a fine of five (5) dollars for each day, to be recovered by warrant in behalf of the trustees of the town.

Stalls, jacks, &c., to be licensed.

§ 8. The board of trustees shall keep a journal of their proceedings; and at the request of a member, the ayes and noes on any question shall be recorded. At the next meeting the proceedings shall be read, and signed by the member who presided at the last preceding meeting; if he is not present, by the person presiding when they are read. No member shall have a vote on a subject in which he has a private interest. A meeting of the board may be called by the chairman, or by two (2) members. They shall keep an account of all moneys levied, collected, and disbursed, and keep an accurate account thereof for what objects each sum is disbursed. Their books shall be at all times open to the inspection of the citizens of the town.

Journal of proceedings to be kept.

§ 9. They shall, once in each year, give a full and fair statement, in writing, signed by the chairman, of all sums collected, and all sums disbursed the preceding year, and what for; and of all debts due them, or owing by them, which shall be posted up for inspection at three (3) of the most public places in the town.

Money collected and paid out—how kept.

§ 10. That the trustees shall have full power and authority to cause any or all of the streets, alleys, and lanes in said town to be improved or repaired, in whole or in part, in any manner they may deem advisable, at the expense and cost of the owners of the property fronting the same. Said trustees shall have full power and authority to cause and procure any or all of the streets, alleys, and lanes in said town, in whole or in part, to be graded, culverted, or otherwise drained, paved entirely across the street, or the paved and curbed a portion of the distance across the street, and macadamized the balance of the distance between the paved portion, or, after grading, to put upon the same either any or all of said kinds of improvements, and to underlay either any or all of the said kinds of improvements, after the grading, with gravel or sand, or both, and to spread upon the top of either any or all of the said kind of improvements

Streets and alleys to be improved & repaired.

1874. gravel or sand, or both, and to do, or cause to be done, either any or all of said kind of improvements with bowlders, or any other sort of stone, at the expense and cost of the owners of lots and fractions of lots fronting on such streets, alleys, or lanes; and a petition, in writing, to the said trustees, of the owner or owners of the larger part of the ground between the points to be improved fronting on any street, alley, or lane, shall be sufficient to authorize the said trustees to contract for either any or all of the above mentioned kinds of improvements: *Provided*, That the said trustees, not less than four (4) concurring in the vote, may cause any street, alley, or lane to be improved as aforesaid, at the cost and expense of the owners of the lots or parts of lots fronting the same, without petition or consent. The culverting and draining shall be included in the cost and expense as a part of the grading; and when the improvements ordered shall be completed, the said trustees shall apportion the cost and expense thereof pro rata among the lot-owners according to the value of their respective lots or fractions of lots, or may, in their discretion, so apportion a part of the cost and expense of such improvement upon the property fronting thereon, and pay the balance out of the general revenue of the town. A lien is hereby given on the lots or parts of lots for the same, which cost and expense may be listed and collected as other taxes by the town collector, or by any special collector, either of whom shall have power to sell and convey the lots and parts of lots for the same according to such by-laws and regulations as the trustees may prescribe. All sales to be at or near the premises, after having been advertised, as required by law in sales of real estate under execution. Any statement made by any collector in any bond or deed selling or conveying property sold for the payment of any of the taxes hereby imposed, or imposed by any other part of this act, shall be *prima facie* evidence of the truth of the facts stated to have been done; but such statements may be contradicted: *Provided further*, That the owner or owners of any lot or lots or parts of lots sold for the cost and expense of such improvements as aforesaid, who have not consented, in writing, for that purpose, shall be allowed three (3) years in which to redeem the same, by paying to the purchaser of said lot or lots or part of a lot sold as aforesaid the purchase money, with fifteen per centum interest per annum, and all the taxes and levies that may have subsequently accrued and been paid by the purchaser, and ten (10) per centum thereon, at any time within one (1) year on like terms: *Provided further*, That infants, *femes covert*, and persons of unsound mind, shall have one year in which to redeem

on like terms, after their respective disabilities shall be removed, not exceeding, however, fifteen years from the date of sale; in the collection of any taxes imposed by this act, the town may become the purchaser at any sale made for the purpose of collecting any tax, through any person authorized to bid by the trustees. 1874.

§ 11. The trustees shall have full power and authority to compel the owners of lots or parts of lots to grade, curb, and pave a footwalk in front of their lots, not exceeding sixteen feet wide, with good brick, rock, or plank, in accordance to the directions of the trustees; or cause the owners of lots or parts of lots to grade, curb, and gravel a footwalk in front of their respective lot or lots or parts of lots; they may require some portions done in one manner, and others in another, as they may deem proper; they may require the pavements and sidewalks to be repaired, from time to time, as they may deem necessary, and may, in such repairing, require a different material to be used from that of which the pavement or sidewalk is made. When the trustees shall deem proper to order sidewalks to be made, or repairs thereto, reasonable notice shall be given to the owner or owners to make such pavement or footwalk or improvement; the notice shall be signed by the chairman of the board of trustees, and shall specify the time within which such improvement, pavement, or footwalk or repairs shall be commenced and finished; twenty days within which to commence the work shall be deemed reasonable. If the owner of any lot or lots or parts of lots shall fail or refuse to begin such pavement or footwalk or repairs within the time prescribed, or, having commenced, shall fail to complete the same within the time prescribed, the trustees may cause the same to be made or repaired at the cost and expense of the owner of the lot or lots or fraction of lots, and shall have a lien on such lot or lots or fraction of lot for said cost and expense, which cost and expense shall be listed and collected as other tax, as provided in the preceding of this act for the collections of assessments for improving streets, alleys, &c.; and the owner of lots or parts of lots sold shall have the same right of redemption as the owners of property sold for improving streets, &c., have in said section, and upon the same terms and conditions. If the owner of any lot or fraction of lot, before which the trustees may desire to make or cause to be made the improvements provided for in this section, does not reside in the county of Greenup, the notice required by this section shall be posted in at least two public places in said town, for at least one month, and have the same effect as personal service. The lien created by

May enforce repairs to streets, alleys, sidewalks, &c.

1874.

this act shall attach from the time the improvement is ordered to be put under contract. They shall have power to require of the owners of lots or parts of lots to fill them with earth to such grade as they may fix, and to make drains and keep them in repair. If the owner of lots or fractions shall fail, after reasonable notice, to make the fill or drain required, the trustees may cause the same to be done at the expense of the owner, and have a lien therefor, which may be enforced in the same manner as the cost of improving streets, alleys, &c., as provided in section ten of this act.

§ 12. In the collection of any tax authorized by this act, the collector shall first sell the personal property of the person owing such tax: *Provided*, That no personal property shall be sold but such as is not liable to exemption under the general laws of this Commonwealth: *Provided further*, That the failure of any collecting officers to sell personal property, as herein directed, shall not render invalid sales made of real estate as decreed in this act.

May enforce by-laws by fine and imprisonment.

§ 13. The trustees shall have power and authority, by by-laws, to fix fines and penalties for the violation of the rules and regulations they may adopt for the government of the town, and may alter and amend the same; may repeal and again re-enact, and, from time to time, fix such fines and penalties as they may deem proper, not inconsistent with laws and Constitution: *Provided*, That no fine shall exceed fifteen dollars, nor shall imprisonment extend beyond ten days. The proceedings to enforce such fines and penalties shall be in the name of the Commonwealth of Kentucky, for the use of the trustees of the town of Russell, before the police judge of said town or any justice of the peace residing within the town. If at any time there should be a vacancy in the office of police judge, or be absent, and no justice of the peace residing in said town, then such fines and forfeitures may be recovered before any justice of the peace for Greenup county.

Fines, &c., to be paid into Treasury.

§ 14. All fines collected for violation of the by-laws, rules and regulations, of the town, and all fines recovered in the courts of said town for the violation of the penal laws of the Commonwealth, for offenses committed within the boundary of said town, shall, when collected, be paid to the treasurer of said town, and shall form part of the revenue of said town, and may be applied as revenue derived from the general tax within said town.

Article 6, chapter 100, of General Statutes, applicable to town of Russell.

§ 15. That article six of chapter (100) one hundred, Revised Statutes, shall apply to the town of Russell; that the board of trustees shall have power to make a grade and improve the public landing at the town, and may appropriate money for this purpose, from time to time, as

they may deem proper. They may pass by-laws requiring steamboats and other boats and water crafts to pay wharfage, and shall, by by-laws, regulate the amount and mode of collection. They shall have power to regulate and control of the public landing.

1874.

§ 16. The board of trustees may extend the streets and alleys within the town limits; and shall have power to contract with the owners of land for such extension, and pay such price as may be agreed upon; and in case no agreement can be made, they may proceed to condemn the same under the rules and regulations prescribed for the condemnation of land for turnpike and plank roads.

May extend limits of streets & alleys.

§ 17. The board of trustees may appoint one or more street commissioners, whose duty it shall be to keep the streets, alleys, and lanes within said town in repair; they shall be governed by the orders of the board of trustees, and shall have such compensation as the board may fix. The persons residing within the limits of said town, liable by the general law to work on public roads, shall work on streets, alleys, and lanes within the town limits, and upon the public roads for one half mile beyond the corporate limits, under the street commissioners, but not exceeding three days in any one year. Any person failing to work when notified shall be liable to pay a fine of five (5) dollars, unless reasonable excuse be shown for such failure. Any person notified to work may, in lieu of each day, pay to the town treasurer the sum of two (2) dollars. Persons within the town limits shall not be required to work the roads outside of the town beyond one half mile. The board of trustees may at any time remove the street commissioners, and appoint others. The public roads for one half mile beyond the town limits shall be under the jurisdiction and control of the board of trustees.

Street commissioners to be appointed.

§ 18. That the board of trustees of said town may require of all vendors of spirituous, vinous, or malt liquors within the corporate limits to pay a tax not exceeding fifty (50) dollars, and obtain a license; the tax to be paid to the treasurer of the town, and to be applied by the board of trustees in aid of the public schools of the town.

Liquor dealers to pay license.

§ 19. That no license shall be granted by the county court of Greenup county to keep a tavern within the corporate limits of the town of Russell until the applicant for such license shall have first obtained the consent of the trustees of said town, and shall produce to the court the written permission of the board of trustees of the town. This shall not be construed to abridge the power of the county court in the exercise of its discretion in refusing a license to keep a tavern. The party obtaining a license to keep a tavern shall, in addition to the tax fixed by law to the treasurer of the town, and to be applied in

No tavern license to issue from county court without consent of trustees of town

1874.

aid of the common schools of the town, a sum not less than ten nor more than fifty (\$50) dollars, to be fixed by the by-laws of the town. Any person who shall violate the provisions of this or preceding section, shall, for every offense, be liable to pay a fine of fifteen (\$15) dollars, which may be recovered by proceedings in the name of the Commonwealth of Kentucky, for the use of the board of trustees of the town of Russell.

Trustees to regulate sale of liquors

§ 20. The board of trustees shall have power to require all persons within the corporate limits of said town, engaged in selling spirituous, vinous, or malt liquors, by license or otherwise, to close their doors, and not to sell, loan, barter, give away, or permit to be drank, any spirituous, vinous, or malt liquors, or the mixture of either, on an election day, or any other public day or occasion, when, in the judgment of the board of trustees, the peace, quiet, and good order of the town may require it, and also on the Sabbath day; and the board of trustees are also hereby authorized to make such rules, regulations, by by-laws, orders; they may authorize the marshal of the town to enter any house or place where there are reasonable grounds to suspect that there is liquor being sold, drank, or otherwise disposed of, and take possession of the same, and make such other rules and by-laws as will enforce the order; may impose a fine and imprisonment, the fine not to exceed fifteen (\$15) dollars for each offense, and imprisonment not exceeding ten (10) days; and in addition to such penalty, the person found guilty shall forfeit his or her license, and shall not again have a license for two (2) years.

County jail to be used for violation of by-laws.

§ 21. The jailer of Greenup county is hereby authorized to receive into and confine in the jail of the county such persons as may be ordered to be confined in jail in pursuance of the by-laws of the town.

Police court established.

§ 22. That there is hereby established in the town of Russell a police court, the officers of which shall be a judge and marshal, to be called the judge and marshal of the town of Russell; that said officers shall be elected by the qualified voters residing within the limits said town. The first election of said officers shall be on the first Monday in August, 1874, at any place in said town which may be designated by the board of trustees, and conducted by the officers appointed to conduct the election of trustees of said town. The said officers shall hold their offices for the term of four (4) years, and until their successors shall be duly qualified. The regular election for said officers shall be held on the first Monday of August, and be conducted by the officers appointed to conduct the election of trustees; they shall reside within the limits of said town and hold their offices therein. Con-

tested elections shall be determined in the same way that contested elections for county judges are; and in case of a tie between two or more candidates, the officers who conduct the election shall choose between those having the highest equal vote by lot. Vacancies shall be filled by an election to be ordered by the board of trustees, who shall appoint the officers to conduct the election, of which ten (10) days' notice shall be given. The officers of the election shall give a certificate thereof to the persons elected. The Governor shall, upon information by certificate of the election, commission the judges, who shall, in the form of an affidavit, take the oath required by the Constitution, and also an oath of office, that he will discharge the duties of his office without favor, affection, and to the best of his ability, according to law. The commission of the police judge, together with the affidavit, shall be filed in the county clerk's office and duly recorded, for which the clerk shall receive one (\$1) dollar.

1874.
Police judge and marshal chosen.

§ 23. The marshal of said court, before he enters upon the duties of his office, shall execute a covenant in the Greenup county court, with good security to be approved by the court, payable to the Commonwealth of Kentucky, conditioned that he will faithfully discharge the duties of his office according to law; he shall take the oath required by law of a constable. Any person aggrieved by the acts of said marshal may institute suit on said bond in any court having jurisdiction of the same; said bonds shall be kept in the county court clerk's office as part of its records; and the clerk of said court shall be allowed the same fees as are allowed by law for taking bonds from and administering oath to constable.

Marshal to give bond & take oath

§ 24. The judges shall possess the qualifications of a justice of the peace, and the marshal those of constable; and for malfeasance or misfeasance in office, on the presentment of a grand jury, they may be removed from office, but subject to an appeal to the Court of Appeals; and shall also be liable to impeachment, and the penalties arising therefrom.

Jurisdiction of police judge.

§ 25. The police court of Russell shall have concurrent jurisdiction within the boundary of the town of all matters, both civil and penal, of which justices of the peace have jurisdiction, with the same powers, privileges, and rights, and under the same rules and restrictions, and jurisdiction of all criminal matters within the county of Greenup concurrent with two (2) justices of the peace; the marshal shall exercise the same powers and possess the same rights as a constable. They shall be severally entitled to charge and receive the same fees as justices of the peace and constables are or may hereafter be enti-

Concurrent jurisdiction of police judge.

1874. tled to receive for like services, and such fees may be collected in the same manner as other officers' fees. The marshal may be appointed by the board of trustees collector.

Appeals may be taken. § 26. Appeals shall be allowed from the judgments of said police court in the same manner as are allowed from those of justices of the peace.

Records and papers to be passed into hands of successors § 27. When said officers go out of office, they shall hand over to their successors all of their official records and papers, and may demand a receipt for the same: *Provided*, That the marshal shall have the same rights to wind up the business in his hands that is allowed by law to constables.

Duty of marshal. § 28. The marshal shall execute the process of said court; but in cases of urgency, and when he cannot be procured, the judge may direct the same to any constable or the sheriff of Greenup county, or to any private person, who shall execute the same.

Police judge to keep records. § 29. The said judge shall keep a faithful record of his official acts, in the same manner and mode as are now required by law of justices of the peace.

Judge commissioned before acting. § 30. The said judge shall not enter upon the discharge of the duties of his office until he has been commissioned and qualified as herein directed, nor the marshal until he has executed the bond and taken the oaths required by this act; and should he fail to do so within forty (40) days after his election, the office shall be vacant, and a new election shall be ordered by the trustees, which shall be conducted as other elections provided for in this act. Ten (10) days' notice of such election shall be given by posting written notices at three (3) public places in the town.

Police judge and marshal governed by general laws in force. § 31. The police court and marshal shall be authorized to do any act specially authorized by this act, or by any general law conferring jurisdiction, powers, or duties on police courts and marshals, in addition to the powers and duties hereinbefore named.

Station-house to be erected and maintained by town. § 32. That the board of trustees of the town of Russell are authorized to erect and maintain a station-house within corporate limits of the town; that persons who may be ordered to be imprisoned for disorderly conduct or any violation of the penal laws of the town, or of the State, when committed within the corporate limits of the town, may be confined in such station-house; that the board of trustees of said town shall appoint a keeper of said station-house, and take bond from him, with good security, for the faithful discharge of his duties; and such officer may be removed at the pleasure of the board and another appointed. The station-house keeper shall be governed by the laws of this Commonwealth prescribing the duties of county jailers, in regard to the commitment,

release, and treatment of persons ordered to be confined in such jail. He shall be liable to the same pains and penalties as county jailers for any malfeasance or misfeasance in office. He shall receive such compensation as the board of trustees shall prescribe.

§ 33. This act shall take effect from its passage.

Approved February 23, 1874.

1874.

CHAPTER 592.

AN ACT to authorize and establish a system of public schools in the town of Ashland.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all the territory now embraced within the limits of the town of Ashland be, and is hereby, incorporated as a school district, which shall be under the control and management of a board of education, to be elected by the qualified voters within said district, upon the same day that the board of trustees of said town are elected.

§ 2. Three persons shall be elected as school trustees, who shall be styled "The Board of Education of the Ashland Public Schools;" and by that name shall be known as a body-politic and corporate; and may sue and be sued, contract and be contracted with; may buy and sell and convey real and personal estate; and the title to all school property in said district shall vest in said board and their successors forever.

§ 3. The said trustees so elected shall take an oath faithfully to discharge their duties; and shall, within two weeks after their election, meet and organize by electing one of their number president and another secretary, and shall appoint a treasurer. The trustees first elected shall hold their offices as follows: one for one year; one for two years, and the other for three years; and they shall determine by lot their respective terms, which shall be entered on their minutes. Thereafter there shall be elected one trustee each year.

§ 4. The treasurer, before entering upon his duties, shall execute a bond to the board of education, with good and ample sureties, to be approved of by said board of education, conditioned for the faithful performance of all his duties, and to pay over to the proper persons all moneys which may come into his hands by virtue of his said office. The secretary shall attend all meetings of the board; keep their records and papers, and perform such other duties as may be required or prescribed by the said board of trustees. The treasurer shall receive and dispense the

1874.

money belonging to the school fund; keep accurate and true accounts in well-bound books of all his acts, and perform such other duties as may be required or prescribed by said board of trustees.

§ 5. Should a vacancy occur in said board, the trustees of the town of Ashland may appoint a member to fill the vacancy.

§ 6. The control and management of the public schools of the town of Ashland, and the property and the funds belonging thereto, and which may accrue in any way to them, or for their establishment, management, or maintenance, under this act or otherwise, shall be vested in said board of education, and their successors in office.

§ 7. The said board of education shall have power to make all by-laws and rules for the government of themselves and appointees, and for the dispatch of business, and for the management, control, and government of the schools, and to enforce such by-laws and rules by suitable fines and penalties, to be recovered in any court having jurisdiction of the amount.

§ 8. A majority of the members of said board shall constitute a quorum for the transaction of business. They shall meet at least once in every month, and shall fix the time of their meeting, and may meet as often as to them may seem necessary for the transaction of business.

§ 9. Said board shall cause to be kept a regular and correct journal of their proceedings in a well-bound book, which shall at all times be open to the inspection of any of the members of said board, or any member of the board of trustees of the town of Ashland, or any committee appointed by the said board of trustees.

§ 10. The board of education shall appoint all teachers and other persons necessary to successfully carry on said schools, and prescribe all rules for their government, and fix their compensation or salaries; and may dismiss or suspend any teacher or other person appointed by them; prescribe the branches of education to be taught in the schools; grade the schools and classes, and prescribe the necessary qualifications for, and the mode of examination of, pupils or persons applying for admission to the schools. And they shall fix the bounds of subdistricts for each public school within which the children shall be entitled to admission.

§ 11. All white children over six and under twenty-one years of age within each district shall have equal right of admission to the schools of such district, and no fees or charges for their tuition shall ever be charged in any of the schools.

§ 12. The said board of education shall have power to levy a tax, not exceeding twenty cents on each one hundred dollars' worth of taxable property in said district subject to taxation for revenue purposes, for any one year, and a poll-tax, not to exceed one dollar on each white tithe in said district, for the purpose of purchasing a lot or lots, and erecting thereon buildings necessary and convenient for said schools, or to lease or purchase any property suitable for said purpose, and to keep the same in repair, and for furnishing the same with all things necessary for the schools, and to pay the teachers and other persons employed by them; said tax shall be assessed and collected as the taxes of the town are now collected; and the said board shall, after determining and assessing the tax, certify the same to the board of trustees of the town, and the latter board shall add such assessment to the tax levied for revenue purposes for the town, and cause the same to be collected. 1874.

§ 13. The said taxes, when collected, shall be paid over to the treasurer of said board of education, and shall be held by him as a separate and distinct fund, to be disbursed as herein provided.

§ 14. The tax herein provided may be levied from year to year.

§ 15. The board of education may issue bonds to the amount of not exceeding ten thousand dollars for the purpose of speedily erecting and furnishing suitable buildings, the current interest on which, and the principal thereof, shall be paid out of the proceeds of the tax, as herein provided.

§ 16. Only property belonging to white persons shall be taxed.

§ 17. The commissioner of common schools for Boyd county shall pay over to the treasurer of the board of education the share of said district in the common school fund of the State, at such times as payments are prescribed in the revised school laws of the Commonwealth.

§ 18. The board of education shall, in the month of February, make an estimate of the probable amount of money necessary to properly conduct the public schools for the next scholastic year, which amount shall be levied for, and collected by taxation, as hereinbefore directed.

§ 19. The board of education may admit into any of the schools white children, who are non-residents of the town of Ashland, upon such terms and conditions, and upon payment of such charges, as to the said board may seem reasonable.

§ 20. The tax provided for by this act shall not be levied and collected until that question shall have been submitted to the legally qualified white voters of said district by the

1874. trustees thereof, and a majority of those voting at said election shall vote in favor of said tax after reasonable notice.

§ 21. This act shall take effect and be in force from and after its passage.

Approved February 23, 1874.

CHAPTER 593.

AN ACT to amend an act, entitled "An act to regulate the civil jurisdiction of the police court in the city of Hickman, Fulton county," approved February 9th, 1872.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section first of an act, approved February 9th, 1872, relating to the police court of the city of Hickman, Fulton county, be so amended that the city court of Hickman, in said county, shall have civil jurisdiction in all cases where the matter in controversy does not, exclusive of interest and costs, exceed one hundred dollars, and when the defendant or defendants shall reside within the corporate limits of said city, or when such defendant or defendants are non-residents of State of Kentucky; but said jurisdiction shall in no case, except as is herein provided, extend beyond the corporate limits of said city.

§ 2. *Be it further enacted,* That nothing herein shall be so construed as to compel any person, other than residents of said city, to serve as jurors in said city court.

§ 3. That all acts or parts of acts in conflict with this act are hereby repealed.

§ 4. That this act shall take effect from and after its passage.

Approved February 23, 1874.

CHAPTER 595.

AN ACT to incorporate the Big South Fork Navigation, Lumber, Manufacturing, and Transportation Company.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That D. R. Haggard, J. F. Parker, W. McKee Fox, A. J. Phelps, Thomas W. Varnon, and their associates and successors, and are hereby constituted a body-politic and corporate, with power of perpetual succession, under the name and style of the title of said act of incorporation; and by that name shall have perpetual succession; sue and be sued; have and use a common seal, and alter

the same at pleasure; may purchase, acquire, hold, lease, transfer, and convey such real and personal estate, choses in action, and securities, negotiable and otherwise, as may be expedient for the successful prosecution of its business as herein defined; may make, establish, and put in force such by-laws and ordinances as to it shall seem proper for the government of its fiscal and prudential concerns, not inconsistent with the Constitution and laws of this State; may carry on a general lumber, manufacturing, mining, mercantile, and oil-refining business in this State. 1874.

§ 2. That said company, without hindrance, shall float and drive down the Big South Fork of Cumberland river and its tributaries logs, wood, and other lumber; may erect, maintain, and control such booms and piers on said stream and its tributaries as may be deemed necessary for the purpose of stopping and securing the logs, wood, and other lumber, and shall enjoy the unobstructed and exclusive use of said booms and piers for said purpose, and when necessary, for the purpose of driving, dislodging, fastening, and securing boats, rafts, logs, and lumber, or for reclaiming and putting back into the stream any of the same that by flood or overflow may be floated upon lands without the banks of the river, or for building, repairing, or operating booms and piers, may enter upon and occupy the land of others; subject, however, to pay such damages as may be sustained by such entry and occupation; and may do and perform all acts and things necessary for successful operation and driving and safely securing logs, wood, and other lumber. That said company build and maintain such roads and bridges, also tramways or railroads, from its lumber and mineral lands to accessible points on said Big South Fork and its tributaries, for the more convenient transportation of lumber, logs, minerals, coal, and oil; and if for this purpose it shall become necessary to pass over or use the lands of others, they may condemn the lands for the purpose in the same manner as is provided by the Revised Statutes for turnpikes, and by paying the assessed value.

§ 3. That said company to construct boats and rafts and other floats to navigate said streams for transporting lumber, minerals, merchandise, oil, and other articles of commerce, and for this purpose may build locks and dams, canals, or wing-dams, for the purpose of securing the navigation of said Big South Fork and its tributaries. And when said company shall build locks and dams, they may be allowed to collect toll upon such boats, rafts, and other floats, as may be able to pass through said locks, at the same rates as are now allowed to be collected by the rules adopted by the Kentucky

1874. River Navigation Company: *Provided*, That said company shall not build locks and dams, then the above tolls shall not be collected.

§ 4 That said company may, for the purpose of obtaining means to remove the obstructions that are now in the bed of said Big South Fork of Cumberland, be allowed six years to begin said improvement of said stream, to-wit: the erecting of booms, locks and dams, and the removing obstructions; and that they may charge the sum of five cents upon saw-logs, and two cents upon each (100) one hundred feet of lumber, board measure; and for each empty boat, two cents per foot, lineal measure; and for each boat, two cents for each cubic yard of stone-coal; for each boat, loaded in part or full, three cents per lineal foot; for each boat loaded with staves or hoop-poles, in whole or in part, three cents per lineal foot; for each cord of wood, five cents per cord; for each raft of rails, boards, or timber, three cents per lineal foot; and for other floats or crafts at the same rate as is now charged on the Green and Barren line of navigation; and the company hereby adopt these scale of charges, in every particular, in regard to rafts, flatboats, keelboats, floats, or boats of every kind, except steamboats: *Provided*, Said company shall, before they are allowed to collect tolls as above mentioned in this section, remove the present obstructions in said main Big South Fork of Cumberland river, known as the Big and Little Devil's Jumps; and that the same obstructions be so removed as to permit logs, timber, and lumber to pass said points that are now rendered impassable; and after the down navigation of said stream shall be made practicable by the removal of those obstructions, then the said company shall be allowed to charge at the same rates as established on the Green and Barren line of navigation; and that all the rules and regulations now in force there shall apply to this company, except those specific provisions before named in this act.

§ 5. As soon as such an amount of shares as the stockholders may deem proper have been subscribed for, the stockholders, or their authorized representatives, may hold a meeting at such time and place as may be designated by the original stockholders; and they shall proceed to elect a president and six directors, whose duties it shall be to conduct the business of the company. Each shareholder shall be entitled to one vote for each share of stock held by him. The time of holding shall be fixed by the company, giving twenty days' notice, published in some newspaper most adjacent to the point of meeting. The first meeting shall be held in the town of Somerset, and the office of the company located there or elsewhere, as

the company may determine, not out of the State. The secretary and the treasurer of the company shall be chosen by the president and directors, and the treasurer required to give bond, with approved security, for the faithful discharge of his duties. The secretary's books shall be open at all times to the inspection of the stockholders; and such dividends declared as the board may direct.

1874.

§ 6. No person shall be eligible to the office of president, treasurer, or director who is not a stockholder, or continue in office after ceasing to be a stockholder. The officers shall be elected annually at a time and place fixed by the company; and each board elect go into office the first of January succeeding their election, except the first. The president and directors may have the power to fill vacancies.

§ 7. The capital stock of said company shall not exceed two million dollars, to be divided into shares of fifty dollars each, to be sold and paid for in such manner as the company may elect. Said stock shall be deemed personal property; may be entered upon the books of the company to the inspection of stockholders, and there transferable. That certificates of stock, based upon lands owned by the original stockholders, or purchased by them individually, subsequent to the establishment of said company, at rates agreed upon, and issued by the proper officers, shall admit those to whom they are issued to the absolute ownership of a part undivided of the said lands, bearing the same proportion to all the lands as said certificates bear to all the stock allowed for lands made the basis of the organization; and being signed by the president and secretary, with the seal of the company affixed, shall be admitted to record without further proof or acknowledgment.

§ 8. The business of the company shall be to develop all the lands, or all their resources of lands they may own, or may hereafter acquire or obtain privileges thereon; mining for coal, or other minerals; manufacturing all crude materials, either in metal or wood, leather, hemp, wool, or cotton, saltpetre, or any other article or product of the country, or transport the same to market manufactured or not manufactured.

§ 9. This act shall take effect from and after its passage; and all acts coming in conflict with this is hereby repealed.

Approved February 23, 1874.

INDEX TO LOCAL AND PRIVATE ACTS.

Academy, Carlisle, act to incorporate the	379
Claysville Male and Female, act to amend act to amend act to incorporate the	634
Danville Classical and Military, act for the benefit of the	499
of E. J. Murphy, in Pembroke, Christian county, act to prevent the selling of liquors within two miles of the	639
Millersburg, in Barren county, act to amend act to incorporate the	106
South Carrollton Male and Female, act to charter the	573
Adair county, act for the benefit of Robert Wheat, a colored pauper idiot of	142
act for the benefit of Ned Bradshaw, a colored pauper idiot of	143
Advertisements, legal, in Lewis county, act requiring certain to be inserted in the Vanceburg Kentuckian	281
official, in the county of Henry, act to regulate	283
Agricultural and Industrial Exposition Company, Lexington, act to incorporate the ...	549
Agricultural and Mechanical Association of the Colored People of Bourbon County, act for the benefit of the	129
Augusta, Bracken county, act for the benefit of Allen, Harbeson & Co., of	315
Alexandria and Flag Spring Turnpike Road Company, act to renew the charter of the	125
Allen, Harbeson & Co., of Augusta, in Bracken county, act for the benefit of	315
Allen, John, of the city of Louisville, act for the benefit of	127
Allen, Noah, of Crittenden county, act for the benefit of	104
Allen county, act for the benefit of George W Bradhume, tax assessor for	438
America, Bank of, act to amend act to incorporate the	279
Ashbottom Turnpike Road Company, act to amend act to incorporate the	444
Ashland, act to authorize and establish a system of public schools in the town of	659
Assessor and county court clerk of Henry county, act for the benefit of the	489
Assessor and surveyor of Livingston county, act to legalize the official acts of the, as deputies to the county clerk	184
Association, Agricultural and Mechanical, of the Colored People of Bourbon county, act for the benefit of the	129
Boyd County Fair and Exposition, act to incorporate the	215
Carroll County Agricultural, act for the benefit of the	111
Fleming, Mason, Robertson, Nicholas, and Bath Counties Agricultural and Mechanical, act to incorporate the	599
for the Improvement of the Breed of Horses, Kentucky, act to amend act to incorporate the	555
Lexington Building and Accumulating Fund, act to amend the charter of the	156

Association, Library, in Cairo, Henderson county, act to incorporate the.....	369
Madison County Agricultural, act to amend act to incorporate.....	282
Masonic Mutual Benefit, of Maysville, act to incorporate the.....	367
Maysville District Camp Meeting, of the M. E. Church, act to incorporate the	244
Maysville Manufacturing, act for the benefit of the.....	410
Mercer County Mechanical and Agricultural, act to amend act to incor- porate the.....	449
Nelson County Agricultural, act to authorize the president and directors of the to borrow money	147
Old Fellows' Tabernacle, of Louisville, act to incorporate the.....	286
World's Fair, of Woodford county, act to amend act to incorporate the.....	557
Auburn High School, act to incorporate the.....	532
Augusta, in Bracken county, act to amend the charter of the city of.....	177
act to amend the charter of the town of.....	180
Baird, Samuel K., assessor of Spencer county, act for the benefit of	173
Baker, Isaac K., late sheriff of Perry county, act for the benefit of	312
Ballard County Coal and Transportation Company, act to incorporate the	225
Bank, Barren County, act to repeal act to charter the	165
Caseyville Deposit, act to amend the charter of the.....	596
Caverna Deposit, in Hart county, act to amend the charter of the	221
Central Savings, of the city of Louisville, act to amend act to charter the.....	129
Deposit, of Glasgow, act to amend the charter and amendments thereto of the.....	165
Farmers and Drovers', act to amend act incorporating the.....	640
Farmers' Exchange, act to incorporate the.....	489
of America, act to amend act to incorporate the.....	279
of J. & J. A. Witherspoon, of Lawrenceburg, act incorporating the.....	149
of Longview, Farmers', act to incorporate the.....	203
of Louisville, act for the benefit of the	638
of New Castle, act to amend the charter of the.....	106
of New Castle, act to repeal act to amend the charter of the.....	263
Paducah Savings, act for the benefit of the	481
People's Savings, of Kentucky, act to charter the.....	610
Planters', of Kentucky, act to amend the charter of the.....	423
Banking Company, Central Kentucky, act to incorporate the	471
Banking and Warehouse Company, Russellville, act to amend the charter of the	279
Barbourville, act to amend act to reduce into one all acts in relation to the town of ..	387
Bardstown and Green River Turnpike Road Company, act in relation to the	540
Barlow, Robert, colored pauper idiot of Hart county, act for the benefit of	420
Barnett, J. M., of Whitley county, act for the benefit of.....	270
Barren county, act to repeal act to prohibit the sale of spirituous liquors in Glasgow Junction precinct, in	155
act to repeal act to prohibit the sale of spirituous liquors in Cave City precinct, in	155
Barren County Bank, act to repeal act to charter the.....	165
Barrett, John P., late sheriff of Ohio county, act for the benefit of.....	388
Bath circuit court clerk, act for the benefit of the	590

Bath county court, act to authorize the presiding judge of the to sue for the taxes due or which may become due said county	146
Bath county, act to amend act to establish an additional justices' district in	271
Bath Seminary, act to amend the charter of the	206
Beargrass Transportation Company, act to amend act to incorporate the	250
Beaven, F. K., sheriff of Marion county, act for the benefit of	123
Bellpoint, in Franklin county, act to amend the charter of the town of	210
Berry Station, act to amend act to change the name and extend the limits of the town of	589
Big Barren river, act to authorize M. Duke to erect a mill-dam across	437
Biggerstaff, Samuel, late sheriff of Madison county, act for the benefit of	269
Big South Fork Navigation, Lumber, Manufacturing, and Transportation Company, act to incorporate the	662
Blackberry creek, in Pike county, act declaring a navigable stream	474
Blair, Mary, and Georgia Ann Hays, act for the benefit of	261
Bloomfield and Springfield Turnpike Road Company, act to amend act to amend the charter of the	444
Blue Grass Manufacturing Company, act to incorporate the	536
Bolton, James M., jailer of Knox county, act for the benefit of	450
Books, public, in Rockcastle county, act to supply the county clerk's office with	183
Boone, George, and Robert Wimpsett, act for the benefit of	144
Boone county, act relating to opening and repairing roads in	167
Boone county court, act to amend act to authorize the to appoint trustees for the Burlington Burying-ground	163
Bourbon county, act for the preservation and production of game and fish in	138
Bourbon County Agricultural Society, act to amend the charter of the, and the laws in relation thereto	102
act to amend act for the benefit of the	142
Bourbon and Elliott quarterly courts, act to authorize the judges of the to appoint clerks of said courts	298
Bowe, Wm., committee for Edward Parker, a pauper lunatic of Lawrence county, act for the benefit of	538
Boyd, Carter, Pike, Lawrence, and other counties, act to repeal act to amend chapter 84 of the Revised Statutes, title "Roads and Passways," so far as the same applies to	189
Boyd and Carter counties, act to amend the road laws of the	383
Boyd County Fair and Exposition Association, act to incorporate the	215
Booneville, act to amend act to incorporate the town of	562
Bowling Green, act to amend the charter of the city of	602
Bradshaw, Ned., a colored papper idiot of Adair county, act for the benefit of	143
Bradhume, Geo. W., tax assessor for Allen county, act for the benefit of	438
Brandon, R. W., and others, of Grayson county, act for the benefit of	522
Breckinridge county, act for the benefit of Harrison Lay, of	120
act allowing netting for fish in Sinking creek, in	133
Breckinridge county court, act for the benefit of the	101
Brick and Building Company, Louisville, act to amend act to incorporate the	529
Brick-work, act to provide for the establishment of the measurement of	445
Bridge Company, Commonwealth, act to incorporate the	228

Bridge Company, Sherburne, act to amend act incorporating the	556
Brooks, John E., late sheriff of Greenup county, act for the benefit of	182
Bullitt County Turnpike Corporation, act to create the	408
Bush, John H., of Hardin county, act for the benefit of	121
Bush, R. Y., of Hancock county, act for the benefit of	632
Butler county, act to repeal act to provide for the improvement of the public roads in, ...	243
Cabin Creek Turnpike Road Company, act to amend act to amend the act incorporating the	108
Cairo, act to amend act to incorporate the town of, in Henderson county	219
Caldwell county, act to authorize the jailer of to appoint an assistant.	162
act to abolish the court of common pleas in	535
California, in Campbell county, act to incorporate the town of	268
Calloway county, act for the benefit of John H. Williams, assessor of	526
Camdensville, Johnsonville, and Burnt Church Turnpike Company, act to amend and continue in force an act to incorporate the	438
Campbell county, act to authorize the county judge of to appoint one day in each week upon which the justices of the peace for the Dayton and Bellview magisterial districts may hear civil causes	207
act to amend act to authorize the Jamestown justices' district, in, to issue bonds	436
Carlisle, act to repeal act to authorize the trustees of the town of to grant coffee-house license	628
Carlisle Academy, act to incorporate the	379
Carrier, John H., late jailer of Laurel county, act for the benefit of	495
Carroll, D. S., of Grayson county, act for the benefit of	558
Carroll County Agricultural Association, act for the benefit of the	111
Carter, George, committee for J. B. Salter, a lunatic of Lawrence county, act for the benefit of	132
Carter and Boyd counties, act to amend the roads laws of the	383
Carter circuit court, act to provide for holding a term of the for the trial of equity causes.	270
Carter county, act for the benefit of S. M. Goble, of	470
Caseyville Deposit Bank, act to amend the charter of the	596
Catholic Cemetery of Lexington, act to incorporate the	558
Cave City precinct, Barren county, act to repeal act to prohibit the sale of spirituous liquors in	155
Caverna Deposit Bank, in Hart county, act to amend the charter of the	221
Cement and Water-power Company, act to amend act to incorporate the	325
Cemetery, Catholic, of Lexington, act to incorporate the	558
Cemetery Company, Petersburg, act to incorporate the	392
Central Kentucky Banking Company, act to incorporate the	471
Central Savings Bank of the city of Louisville, act to amend act to charter the	129
Oentreville and Jacksonville Turnpike Road Company, act authorizing a sale of a portion of the road of the	103
Chestnut Street Presbyterian Church, act to amend and repeal in part an act to incorporate the	285
Chicago and South Atlantic Railroad Company of the State of Kentucky, act to incorporate the	501

Chicago and South Atlantic Railroad Company of Kentucky, act supplemental to act to incorporate the	605
Christian Church at Warsaw, act to incorporate the	128
Christian county, act for the benefit of	158
act for the benefit of James Wallace, late sheriff of	314
Churches, Green Ridge, in Logan county, act for the benefit of	325
Church, Chestnut Street Presbyterian, act to amend and repeal in part an act to incorporate the	285
Christian, at Warsaw, act to incorporate the	128
M. E., South, Widows and Orphans' Home, act to amend the charter of the	222
Milton Baptist, of Trimble county, act to incorporate the	521
Presbyterian, at Columbus, act to incorporate the trustees of the	316
Stoner Mouth Presbyterian, Bourbon county, act to amend act for the benefit of the	398
Sugar Creek Baptist, of Garrard county, act for the benefit of the	524
Warren Presbyterian, of Louisville, act to incorporate the	446
Cincinnati, Covington, and Cumberland Gap Railroad Company, act to amend act to incorporate the	300
City of Augusta, in Bracken county, act to amend the charter of the	177
Bowling Green, act to amend the charter of the	602
Covington, act to amend the charter of the	259
Covington, Kenton county, act to amend the charter of the	375
Cynthiana, act to amend the charter of the	551
Cynthiana, act to amend the charter of the	635
Dayton, act to amend the charter of the	399
Frankfort, act for the benefit of the	260
Henderson, act to amend act to amend and reduce into one the several acts concerning the	231
Lexington, act to amend the charter of the	445
Louisville, act for the benefit of the	249
Louisville, act regulating the practice of suits under section 12 of the charter of	307
Ludlow, in Kenton county, act to amend the charter of the	536
Mayfield, act to authorize the voters of, to vote upon the question whether spirituous liquors shall be sold within the corporate limits	97
Mayfield, act to amend act to incorporate the	479
Mayfield, act to amend the charter of the	647
Maysville, act to amend the charter of the	630
Newport, Campbell county, act to amend the charter of the	124
Newport, in Campbell county, act to authorize the to issue bonds	240
Newport, act to revise and amend the charter of the	327
Newport, act to authorize the city of, to increase her bonded indebtedness in aid of water-works	364
Owensboro, act to amend the charter of the	630
Paducah, act for the benefit of D. C. Wilcox, late tax collector of the	151
Paducah, act amending the charter of the, making a husband responsible for taxes due on his wife's property, where he collects her rents	180
Paris, act to amend act to reduce into one the acts and amendatory acts incorporating the	541

Clay county, act allowing the jailer of an assistant.....	303
Clay's Mill Turnpike Road Company, act to enable the managers of to borrow money, ...	522
Claysville, act to amend act for the organization of the public schools in the town of	634
Claysville Male and Female Academy, act to amend act to amend act to incorporate the	634
Clearing-house in the city of Louisville, act to create and incorporate a	641
Clelland, W. E., late sheriff of Mercer county, act for the benefit of	314
Clerk of the Bath circuit court, act for the benefit of the	590
Boone circuit court, act for the benefit of John Wallace	390
Clark circuit court, act for the benefit of John Taliaferro	476
Jefferson county court, act for the benefit of the estate of T. Jack Conn, late	145
Wayne circuit and county courts, act for the benefit of the administrators of William Simpson, late	133
Clerks of the county courts of Lewis, Clark, Montgomery, Mason, Nelson, Cumberland, Adair, Clinton, Russell, Todd, Logan, and Simpson counties, act to amend act for the benefit of the, so as to make the provisions thereof apply to the clerk of the Carter county court	141
Clinton county, act for the benefit of David Wheeler, of	135
act for the benefit of	312
act for the benefit of A. Graham, of	582
Coal Road Company, Mount Sterling, act to incorporate the	317
act to amend act to incorporate the	482
Coal and Transportation Company, Ballard county, act to incorporate the	225
Cocanougher, A. J., late sheriff of Washington county, act for the benefit of	107
Coffee, Wiley J., and his sureties, act for the benefit of	391
College, Franklin Female, in Simpson county, act for the benefit of	130
Princeton, act to amend act to incorporate, &c.	433
Taylor County, act to incorporate the	594
Collins district school, in Henderson county, act to incorporate the	185
Columbia and Burksville Turnpike Road Company, act to amend act to incorporate the, ...	406
Commissioner of claims for Hart county, act exempting said county from the provis- ions of the law authorizing the appointment of a	643
Commissioners of the sinking fund of Hardin county, act for the benefit of the	449
Commissioners of the turnpike fund in Henry county, act for the benefit of the	420
Commonwealth Bridge Company, act to incorporate the	228
Concord, in Lewis county, act to amend the charter of the town of	422
Concord and Tollesboro Turnpike Road Company, act to amend the charter of the	109
Congressional Districts, 8th and 9th, act to amend act to amend act to cause good school-houses to be erected in the	293
Conlee, Henderson, of Powell county, act for the benefit of	412
Conn, T. Jack, late clerk of Jefferson county court, act for the benefit of the estate of, ...	145
Contested election case from Jessamine county, act providing for the payment of the cost and expenses of investigating the	613
County Infirmary of Mason county, for the support of the poor of said county, act for the benefit of the	190

Court, circuit, of Carter, act to provide for holding a term of the for the trial of equity causes.....	270
of Fayette, act for the benefit of the litigants in the.....	122
of Hickman, act to amend act to transfer the equity causes from, to Hickman court of common pleas.....	284
of Muhlenburg, act authorizing a special term of the.....	104
Courts, circuit, of Nicholas and Mason, act to amend act to regulate the time of holding the.....	283
Court, county, of Boone act to amend act to authorize the to appoint trustees for the Burlington Burying-ground.....	163
of Breckinridge, act for the benefit of the.....	101
of Carter, act for the benefit of the clerk of.....	141
of Garrard, act to authorize the to sell and convey the poor-house farm.....	170
of Garrard, act to empower the to vote additional subscriptions to the Lancaster and Buckeye Turnpike Road Company.....	265
of Garrard, act for the benefit of the.....	545
of Lawrence and Jackson counties, act to authorize the to fix and establish the width of public roads in.....	190
of Lewis, act to amend act authorizing the to levy tax to pay off debt and to aid in building roads.....	262
of Livingston, act to authorize the to levy an additional poll and ad valorem tax for bridge and road purposes.....	126
of Logan, act to authorize the to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company.....	112
of Logan, act to amend act to authorize the to borrow money to pay off the bonds issued in aid of the Memphis Branch of the Louisville and Nashville Railroad Company.....	239
of Magoffin, act authorizing the to dispose of its land warrant at the rate of two dollars and fifty cents per hundred acres.....	207
of Mercer, act to repeal act to make subscriptions to capital stock in turnpike roads in.....	136
of Ohio, act to provide for the payment of expenses incurred by the in taking care of a pauper lunatic.....	395
of Owen, act authorizing the to levy a tax and issue bonds for bridge purposes.....	390
of Pendleton, act to authorize the to levy a tax to pay off the railroad debt.....	539
of Pendleton, act to amend act to authorize the to raise money to build bridges, &c.....	633
of Pike, act to repeal act to authorize the to issue bonds for court-house purposes.....	101
of Simpson, act to authorize the to levy an additional tax in said county.....	527
of Union, act to amend act for the benefit of the, &c.....	424

Court, county, of Washington, act to allow the to subscribe stock in the Springfield, Maxville, and Harrodsburg Turnpike Road	107
of Washington, act authorizing the to increase the county levy	146
of Washington, act empowering the to make additional subscription to turnpike roads	159
Court, levy and county, for Jefferson county, act to repeal act to amend act to establish a	529
Court of claims of Larue county, act to legalize certain orders of the	297
Court of claims in Crittenden county, act legalizing an order made by the	132
Court of common pleas in Caldwell county, act to abolish the	535
in Fayette, Woodford, Bourbon, Bath, &c., act to amend act to create a	638
in Union county, act to abolish the	131
of Warren county, act to extend the to the counties of Butler, Edmonson, and Muhlenburg	517
Court, quarterly, of Whitley, act to cause certain books to be indexed belonging to the office of the	557
Court, police, in the city of Hickman, act to amend act to regulate the civil jurisdiction of the	662
Covington, act to amend the charter of the city of	259
Kenton county, act to amend the charter of the city of	375
Covington, Flemingsburg, and Pound Gap Railway Company, act to amend act to incorporate the	291
Crab Orchard, in Lincoln county, act to amend the charter of the town of	593
Crittenden county, act for the benefit of Noah Allen, of	104
act legalizing an order made by the court of claims in	132
act repealing act to prohibit the sale of spirituous liquors in	154
act for the benefit of J. W. Pickering, of	629
Crow, James, committee of William Gilbert and Martha Gilbert, act for the benefit of	261
Crumbaugh, W. L., act for the benefit of	209
Cumberiand county, act for the benefit of the sheriff of	379
Cumberland and Ohio Railroad Company, act limiting the time of acceptance of a proposition by Metcalfe county to subscribe stock to the	310
Curry, John M., ex-sheriff of Pendleton county, act for the benefit of	285
Cynthiana, act to amend the charter of the city of	551
act to amend the charter of the city of	635
Cynthiana and Millersburg Turnpike Road Company, act to amend act to incorporate the	125
Cynthiana, Paddy's Run, and Lair's Station Turnpike Road Company, act to amend act for the benefit of the	299
Danville, act to amend act to amend and reduce into one the several acts in relation to the town of	243
Danville Classical and Military Academy, act for the benefit of the	499
Danville Gas-light Company, act to amend act to incorporate the	263
Davis, Mrs. Mary, of Livingston county, act for the benefit of	397
Daviess county, act to protect certain citizens of from trespasses by hunters	530
act for the benefit of T. D. Rutledge, of	580
act for the benefit of the sheriff of	581

Dayton, act to amend the charter of the city of.....	399
Deer-driving in the counties of Estill, Jackson, Perry, Harlan, Grayson, Edmonson, and Butler, act to amend act to prevent.	426
Deposit Bank of Glasgow, act to amend the charter and amendments thereto of the, ...	165
Deputy clerk of the Logan county court, act to legalize certain acts of a.....	156
Dossey, B. L. C., of Monroe county, act for the benefit of.....	403
Dover, in Mason county, act to extend the town limits of.....	474
Driving Park, Woodford, act to incorporate the.....	519
Duke, M., act to authorize to erect a mill-dam across Big Barren river, at or near Hatter's ford, in Allen county.....	437
Dulaney, act to amend act to incorporate the town of.....	176
Durham, J. J., and E. H. Hobson, act for the benefit of.....	134
Durrett, William, of Taylor county, act for the benefit of.....	418
Earlington, act to amend the charter of the town of.....	238
Eginton Lodge, No. 490, F. A. M., in Whitley county, act to incorporate.....	553
Elizabethtown and Paducah Railroad Company, act to amend the charter of the.....	516
Elizaville Station and Mayslick Turnpike Road Company, act to incorporate the.....	569
Elk Spring precinct, Warren county, act to change the voting place of.....	604
Elliott and Lawrence counties, act to prohibit the use of intoxicating liquors in on election days.....	299
Elliott county, act for the benefit of J. G. Whitt, of.....	410
Ellis, Samuel, act for the benefit of.....	209
Estate of Richard H. Lansdale, act for the benefit of the.....	639
Estill county, act for the benefit of Joseph Pearson, of.....	320
Estill, Jackson, Perry, Harlan, Grayson, Edmonson, and Butler, act to amend act to prevent deer-driving in the counties of.....	426
Evansville and Jacksonville Railroad Company, act to amend act to incorporate the....	479
Executions in Trigg county, act regulating the return of.....	631
Falmouth, act enlarging the corporate limits of the town of.....	561
Farmers' Bank of Longview, act to incorporate the.....	203
Farmers and Drivers' Bank, act to amend act incorporating the.....	640
Farmers' Exchange Bank, act to incorporate the.....	489
Farris, S. S., sheriff of Barren county, act for the benefit of.....	166
Fayette circuit court, act for the benefit of the litigants in the.....	122
Fayette county, act to extend to the farmers in, the lien provided in an act for the pro- tection of livery-stable keepers in this Commonwealth.....	155
Fayette and Jessamine counties, act to apply to, the provisions of an act to authorize the county courts of Nicholas and Bourbon to compel persons to keep stock off of public roads.....	122
Fayette, Woodford, Bourbon, Bath, &c, act to amend act to create a court of common pleas in.....	638
Feeble-minded Children, Institution for the Education and Training of, act for the ben- efit of the creditors of the.....	411
Fish in the ponds, lakes, and creeks in the counties of Hickman, Fulton, and Ballard, act to prevent the destruction of.....	171.
Fish in Tennessee river, act to prohibit the destruction of.....	208
Fleming, Mason, Robertson, Nicholas, and Bath Counties Agricultural and Mechanical Association, act to incorporate the.....	599.

Flemingsburg, act in relation to the town of.....	268
Foster precinct, Bracken county, act to prevent stock from running at large in.....	614
Foster, Robert, act to amend act for the benefit of the personal representatives of.....	210
Frankfort, act for the benefit of the city of.....	260
Franklin, act for the benefit of the lessees of the Gam, in the town of.....	403
Franklin Colored Benevolent Society, of Franklin, act to incorporate.....	543
Franklin Female College, in Simpson county, act for the benefit of.....	130
Friends, Society of, of Garrard county, act to incorporate the, and to issue bonds to purchase a burial ground.....	273
Fulton county, act to prohibit the sale of spirituous liquors in.....	321
Gallatin county, act for the benefit of.....	157
Game and fish in Bourbon county, act for the preservation and production of.....	138
Garnettsville, in Meade county, act to incorporate the town of.....	303
Garnettsville, Meade county, act to prohibit the sale of spirituous liquors in the town of.....	324
Garrard circuit court, for the benefit of E. D. Kennedy, clerk of the.....	183
Garrard county, act for the benefit of Susan Wall, of.....	117
Garrard county court, act to authorize the to sell and convey the poor-house farm.....	170
act to empower the to make additional subscriptions to the Lan- caster and Buckeye Turnpike Road Company.....	265
act for the benefit of the.....	545
Garred, Ulysses, of Lawrence county, act for the benefit of.....	397
Gas-light Company, Danville, act to amend act to incorporate the.....	263
Lebanon, act to incorporate the.....	590
Richmond, act to incorporate the.....	275
Richmond, act to amend act to incorporate the.....	414
Shelbyville, act to incorporate the.....	545
Geigerville, in the counties of Boyd and Carter, act to incorporate the town of.....	212
Gem, in the town of Franklin, act for the benefit of the lessees of the.....	403
General Statutes, act to repeal article 2, chapter 102, of the, so far as the same ap- plies to Wayne, Pulaski, and other counties.....	158
act to amend section 6, chapter 66, of the.....	189
act to amend section 14, chapter 75, of the.....	219
act to amend chapter 28, article 5, of the.....	306
Georgetown, act for the benefit of the marshal of.....	164
Georgetown, Oxford, and Leesburg Turnpike Road, act to authorize a sale of the.....	385
German Mutual Fire Insurance Company, of Covington, act to incorporate the.....	484
Gilbert, Haywood, late sheriff of Clay county, act for the benefit of.....	272
Gilbert, William, and Martha Gilbert, act for the benefit of James Crow, committee of.....	261
Gillum, Geo. P., sheriff of Logan county, act for the benefit of.....	282
Glasgow Junction precinct, in Barren county, act to repeal act to prohibit the sale of spirituous liquors in.....	155
Glenville, Adair county, act to prohibit the sale of spirituous liquors in the town of, in Adair county, act to amend act to incorporate the town of.....	321
Goble, S. M., of Carter county, act for the benefit of.....	470
Geodloe-Wooldridge contested election case, act providing for the cost and expenses incurred in the.....	516

INDEX.

677

Gore, J. B., of Larue county, act for the benefit of.....	608
Graham, A., of Clinton county, act for the benefit of.....	582
Graves county, act for the benefit of B. J. Hobbs, an idiot, of.....	272
act to provide for the purchase or erection of a school-house for dis-	
trict No. 43, in.....	278
Grayson, act to amend act to incorporate the town of.....	152
Grayson county, act for the benefit of R. W. Brandon and others, of.....	522
act for the benefit of D. S. Carroll, of.....	558
Green, Wm., and his sureties, late sheriff of Elliott county, act for the benefit of.....	544
Green Ridge Churches, in Logan county, act for the benefit of.....	325
Greenup county, act to allow an additional tax to be levied for building school-houses	
in district No. 22, in.....	418
act to prohibit the sale of spirituous liquors on election days in.....	520
Greenupsburg, act to amend act to amend and reduce into one the several acts in rela-	
tion to the town of.....	607
Greenville, act for the benefit of Mann & Rice and Miller & McDaniel, of.....	303
Muhlenburg county, act to extend the limits of the town of.....	444
Muhlenburg county, act to amend the charter of the town of.....	541
Grundy, T. D., sheriff of McCracken county, act for the benefit.....	141
Gunsmiths of Henderson county, act for the benefit of the.....	528
Haly, Mahoney & Co., act for the benefit of.....	451
Hamelton, in the county of Ohio, act to incorporate the town of.....	500
Hamilton, W. H., act for the benefit of.....	122
Hancock county, act for the benefit of school district No. 27, in.....	145
act for the relief of the sheriff of.....	311
act for the benefit of R. Y. Bush, of.....	632
Hardin county, act for the benefit of John H. Bush, of.....	121
act for the benefit of.....	181
act for the benefit of the commissioners of the sinking fund of.....	449
Hardy, Arnold S., jailer of Marion county, act for the benefit of.....	103
Harlan county, act to repeal act to prohibit the sale of spirituous liquors in.....	137
act to establish an additional justices' district in.....	271
Harlan and Perry counties, act to repeal act to regulate and create the office of county	
treasurer of.....	100
Harmony Lodge, No. 125, I. O. O. F., at Hamilton, in Boone county, act to incorpo-	
rate.....	481
Harrison county, act to amend act to provide for the construction of turnpike roads	
in.....	370
Harrodsburg, Mercer county, act to amend the town charter of.....	133
Hart county, act for the benefit of Robert Barlow, colored pauper idiot of.....	420
act exempting from the provisions of the law authorizing the appoint-	
ment of a commissioner of claims for said county.....	643
quarterly court, act for the benefit of the judge of the.....	157
Hartford, act to amend act to amend the charter of the town of.....	389
act to amend act to amend the charter of the town of.....	478
Hays, Georgia Ann, and Mary Blain, act for the benefit of.....	261
Henderson, act to amend act to amend and reduce into one the several acts concerning	
the city of.....	231

Henderson county, act to incorporate the Collins district school in	185
act for the benefit of the gunsmiths of	528
Henry, S. J., act to prohibit the sale of spirituous liquors within one and a half miles of the store of, in what is now known as Lewisburg, Logan county	306
Henry county to the county of Oldham, act to add a part of	113
act for the benefit of Geo. L. Petty, of	278
act to regulate official advertisements in	283
act for the benefit of the commissioners of the turnpike fund in	420
act for the benefit of the assessor and county court clerk of	489
act for the benefit of the sheriff of	531
Herd, James, late sheriff of Clay county, act for the benefit of	613
Hickman circuit court, act to amend act to transfer the equity causes from, to Hick- man court of common pleas	284
Hickman, Fulton county, act to amend act to regulate the civil jurisdiction of the police court in	662
Hickman, Fulton, and Ballard counties, act to prevent the destruction of fish in the ponds, lakes, and creeks in	171
Hinkleville, act to prohibit the sale of spirituous liquors within the corporate limits of the town of	117
Hobbs, B. J., an idiot, of Graves county, act for the benefit of	272
Hobson, E. H., and J. J. Durham, act for the benefit of	134
Hog, James W., and Lewis S. Lee, late sheriffs of Letcher and Ballard counties, act for the benefit of	161
Hopkinsville, act to amend act to amend and reduce into one the several acts concern- ing the town of	108
Hopkinsville Plow Manufacturing Company, act to incorporate the	173
Horse Cave, act to amend act to incorporate the town of	221
Hoskins, Charles N., sheriff of Powell county, act for the benefit of	309
Hotel, Idee, act for the benefit of the present lessees of the	206
Hotel and Railroad Company, Mammoth Cave, act to incorporate the	286
Howard, John N., sheriff of Harlan county, act for the benefit of	302
Hudsonville Lodge, No. 262, F. A. M., act to incorporate	554
Humphrey, Simon, late sheriff of Nelson county, act for the benefit of	124
Hustonville and Bradfordsville Turnpike Road Company, act to amend the charter of the	412
Hyatt, I. L., act for the benefit of	315
Idee Hotel, act for the benefit of the present lessees of the	206
Independence, act repealing act repealing act creating the office of town marshal of, and concerning the police laws of said town	421
Independent Printing Company, act to incorporate the	615
Insurance Company, German Mutual Fire, of Covington, act to incorporate the	434
Kentucky Odd Fellows', act to incorporate the	496
Mississippi Valley Life, act to amend act to incorporate the	227
Institution for the Education and Training of Feeble-minded Children, act for the ben- efit of the creditors of the	411
Island, Wabash, act for the benefit of the	642
Jailer of Caldwell county, act to authorize the to appoint an assistant	162
of Christian county, act for the benefit of R. W. Williams	127

INDEX.

679

Jailer of Clay county, act allowing an assistant	303
of Gallatin county, act for the benefit of Joseph Wileher.....	437
of Harlan county, act for the benefit of T. S. Ward	560
of Knox county, act for the benefit of James M. Bolton	450
of Laurel county, act for the benefit of John H. Carrier, late.....	495
of Marion county, act for the benefit of Arnold S. Hardy.....	103
of Spencer county, act for the benefit of the	172
of Warren county, act for the benefit of J. W. Valentine	604
Jamestown justices' district, in Campbell county, act to amend act to authorize to issue bonds	436
Jeffersontown, act to amend the charter of, and establish a police court for said town...	608
Jefferson county, act to incorporate a police municipality in	293
act regulating the transfer of stock in the real estate associations of,	324
act to repeal act to amend act to establish a levy and county court for	529
act to apply the provisions of act to incorporate a police municipality in, to certain other precincts.....	633
Jessamine county, act to redistrict the for justices' districts.....	567
act providing for the payment of the cost and expenses of investigating the contested election case from.....	613
Jessamine and Fayette counties, act to apply to, the provisions of an act to authorize the county courts of Nicholas and Bourbon to compel persons to keep stock off of public roads	123
Judge, county, of Campbell, act to authorize the to appoint one day in each week, upon which the justices of the peace for the Dayton and Bellview magisterial district may hear civil causes.....	207
of Muhlenburg, act to repeal an act authorizing the to change the South Carrollton and Madisonville road	525
Judge of the Bath county court, act to authorize the presiding to sue for the taxes due or which may become due said county.....	146
of the Hart county quarterly court, act for the benefit of the.....	157
police, of the town of Lagrange, in Oldham county, act to confirm and legalize the acts of the.....	573
Judges of the Bourbon and Elliott quarterly courts, act to authorize the to appoint clerks of said courts	298
Justices' district in Bath county, act to amend act to establish an additional.....	271
in the county of Harlan, act to establish an additional.....	271
act to redistrict Jessamine county for	567
in Rockcastle county, act to establish an additional.....	526
Justices of the peace in Logan county, act to increase the jurisdiction of.....	119
of Trigg county, act to supply the General Statutes to the.....	412
Keepers of licensed stud-horses, jacks, and bulls, act to amend act for the benefit of..	523
Keen, A. T., late sheriff of Cumberland county, act for the benefit of.....	640
Kennedy, E. D., clerk of the Garrard circuit court, act for the benefit of.....	183
Kenton county, act to create additional voting places in the second and third magisterial districts in.....	564
Kentucky and Montana Gold Mining Company, act to incorporate the.....	600

Kentucky Association for the Improvement of the Breed of Horses, act to amend act to incorporate the.....	555
Kentucky Land Company, act to amend the charter of the.....	416
Kentucky Normal School at Carlisle, act to incorporate the.....	382
Kentucky Odd Fellows' Insurance Company, act to incorporate the.....	496
Kingston and Boone's Gap Turnpike Road Company, in Madison county, act to amend act to incorporate the.....	451
Lagrange, in Oldham county, act to confirm and legalize the acts of the police judge of the town of.....	573
Land Company Kentucky, act to amend the charter of the.....	416
Lansdale, Richard H., act for the benefit of the estate of.....	639
Larue county, act for the benefit of J. B. Gore, of.....	608
Larue county court of claims, act to legalize certain orders of the.....	297
Law Department of the University of Louisville, act for the benefit of.....	118
Lawrence county, act for the benefit of George Carter, committee for J. B. Salter, a lunatic of.....	132
act for the benefit of Ulysses Garred, of.....	397
act for the benefit of Wm. Bowe, committee for Edward Parker, a pauper lunatic of.....	538
Lawrence and Elliott counties, act to prohibit the use of intoxicating liquors in on election days.....	299
Lawrence and Jackson counties, act to authorize the county courts of to fix and establish the width of public roads in.....	190
Lay, Harrison, of Breckinridge county, act for the benefit of.....	120
Lebanon, act to repeal act to authorize the board of trustees of the town of to issue bonds.....	124
in Marion county, act to amend the charter of.....	367
Lebanon Gas-light Company, act to incorporate the.....	590
Lebanon and Pope's Creek Turnpike Road Company, act to amend act to incorporate the.....	170
Lewisburg, Logan county, act to prohibit the sale of spirituous liquors within one and a half miles of S. J. Henz's store, in what is now known as.....	306
Lewis county, act to regulate the sale of spirituous liquors in.....	161
act for the benefit of L. B. Piercal, of.....	313
Lewis county court, act to amend act authorizing the to levy tax to pay off debt and to aid in building roads.....	262
Lexington, act to amend the charter of the city of.....	445
Lexington Agricultural and Industrial Exposition Company, act to incorporate the.....	549
Lexington Building and Accumulating Fund Association, act to "amend the charter" of the.....	156
Lexington and Cumberland Gap Railroad Company, act to incorporate.....	584
Library Association in Cairo, Henderson county, act to incorporate the.....	369
Liederkrantz Society, act to authorize to issue additional stock.....	419
Lincoln county, act for the benefit of J. W. Shelby and wife, of.....	311
Linley, L. P., late sheriff of McLean county, act for the benefit of.....	389
Liquors, spirituous, in Crittenden county, act repealing act to prohibit the sale of.....	154
act to prohibit the sale of on election days, in the county of Greenup.....	520

Liquors, spirituous, in the county of Harlan, act to repeal act to prohibit the sale of	137
in Lewis county, act to regulate the sale of	161
act prohibiting the sale of in Powell county on the Sabbath and election days	561
act submitting the question of sale of in district No. 4, Todd county	534
Livery-stable keepers of this Commonwealth, act to amend act for the protection of the	152
in this Commonwealth, act to extend to the farmers in Fayette county the lien provided in an act for the protection of	155
in the town of Milton, Trimble county, act for the protection of	580
Livingston county, act to legalize the official acts of the assessor and surveyor of, as deputies to the county clerk	184
act for the benefit of W. R. Stringer, of	397
act for the benefit of Mrs. Mary Davis, of	397
Livingston county court, act to authorize the to levy an additional poll and ad valorem tax for bridge and road purposes	126
Lodge, Eginton, No. 490, F. A. M., in Whitley county, act to incorporate	553
Harmony, No. 125, I. O. O. F., at Hamilton, Boone county, act to incorporate	481
Hudsonville, No. 262, F. A. M., act to incorporate	554
Nelson, No. 96, I. O. O. F., at Deatsville, Nelson county, act to incorporate	531
Logan county, act to increase the jurisdiction of justices of the peace in	119
act relating to the surplus school fund belonging to	136
act to prohibit the sale of spirituous liquors within one and a half miles of S. J. Henz's store, in what is now known as Lewisburg, in	306
act for the benefit of school district No. 1, known as Auburn district, in	545
Logan county court, act to authorize the to borrow money to pay off the bonds issued by said county in aid of the Memphis Branch of the Louisville and Nashville Railroad Company	113
act to legalize certain acts of a deputy clerk of the	156
act to amend act to authorize the to borrow money to pay off the bonds issued in aid of the Memphis Branch of the Louisville and Nashville Railroad Company	239
Logan and Todd counties, act to amend act to protect the owners of land, and to prevent certain trespasses in	388
Loretto, in Marion county, act to amend the charter of the town of	413
Louisville, act for the benefit of John Allen, of the city of	127
act for the benefit of C. S. Mergell, of	177
act for the benefit of the city of	249
act regulating the practice in suits under section 12 of the city charter of, 307	
act to insure and facilitate the payment of wages to laborers for the city of	443

Louisville, act to create and incorporate a clearing-house in the city of.....	641
Bank of, act for the benefit of the.....	638
Louisville Brick and Building Company, act to amend act to incorporate the.....	529
Louisville Cement and Water-power Company, act to amend act to incorporate the....	325
Lovel, R. B., act for the benefit of.....	209
Ludlow, in Kenton county, act to amend the charter of the city of.....	536
Ludlow and Pleasant Run Turnpike Road Company, act for the benefit of the.....	524
Madison, Bennetta, act for the benefit of.....	404
Madison county, act for the benefit of school district No. 68, in.....	395
act to prevent trespass in.....	581
Madison County Agricultural Association, act to amend act to incorporate.....	282
Magisterial districts in Kenton county, act to create additional voting places in the second and third.....	564
Magoffin county court, act authorizing the to dispose of its land warrant at the rate of two dollars and fifty cents per hundred acres.....	207
Malone, H. C., late sheriff of Shelby county, act for the benefit of.....	140
Mammoth Cave estate, act for the benefit of the owners of the.....	286
Mammoth Cave Hotel and Railroad Company, act to incorporate the.....	286
Mann & Rice and Miller & McDaniel, of Greenville, act for the benefit of.....	303
Manufacturing Company, Bluegrass, act to incorporate the.....	536
Marion circuit court, act to amend chapter 28, article 5, of the General Statutes, in regard to.....	306
Marion, in Crittenden county, act to repeal act to amend the charter of the town of...	182
Marshal of the town of Independence, act repealing act repealing act creating the office of, and concerning the police laws of said town.....	421
Marshall, Lewis F., sheriff, of Ballard county, act for the benefit of.....	118
Marshall, Livingston, and McCracken counties, act for the benefit of common schools in.....	483
Mason and Fleming counties, act to amend act to prevent live stock of all kinds from running at large in.....	405
Mason county, act for the benefit of the County Infirmary of, for the support of the poor of said county.....	190
Masonic Institute, Williamsburg, act for the benefit of the.....	567
Masonic Mutual Benefit Association, of Maysville, act to incorporate the.....	367
Mayfield, act to authorize the voters of the city of, to vote upon the question whether spirituous liquors shall be sold within the corporate limits.....	97
act to amend act to incorporate the city of.....	479
act to amend the charter of the city of.....	647
Maysville, act to amend the charter of the city of.....	639
Maysville District Camp Meeting Association of the M. E. Church, act to incorporate the.....	244
Maysville Manufacturing Association, act for the benefit of the.....	410
Maysville, Paris, and Lexington Turnpike Road, act to amend the charter of the....	413
McCracken county, act providing that the failure of the sheriff of, to execute bond for the collection of the revenue, shall not forfeit his office.....	119
McKee, George R., act to provide for the compensation of for prosecution of war claim.....	643
Measurement of brick-work, act to provide for the establishment of the.....	445

Mercer county court, act to repeal act to make subscriptions to capital stock in turnpike roads in	136
Mercer County Mechanical and Agricultural Association, act to amend act to incorporate the	449
Mergell, C. S., of Louisville, act for the benefit of	177
Metcalfe county, act limiting the time of acceptance of a proposition by, to subscribe stock to the Cumberland and Ohio Railroad Company	310
Milford, act to amend act incorporating the town of	628
Millersburg, Bourbon county, act to amend and revise the charter of	616
Millersburg Academy, Barren county, act to amend act to incorporate the	106
Milton Baptist Church, of Trimble county, act to incorporate the	521
Milton, Trimble county, act for the protection of livery-stable keepers in the town of	589
Minerva and Beasley Creek Turnpike Road Company, act for the benefit of the	410
Mississippi Valley Life Insurance Company of America, act to amend act to incorporate the	227
Montana Gold Mining Company, Kentucky, act to incorporate the	600
Monterey, act to incorporate the town of	636
Montgomery county, act to amend act providing for the collection of railroad tax in ..	153
Monroe county, act for the benefit of B. L. C. Dossey, of	403
Monticello, act to repeal sections of act to amend the charter of the town of, and to regulate the traffic in liquors in	134
Moore, O. G., late sheriff of Edmonson county, act for the benefit of the securities of ..	614
Moore, Thomas E., sheriff of Bourbon county, act for the benefit of	138
Morgantown, act to authorize the trustees of to sell part of Hobson street in said town, ..	627
Morris, Mason, late sheriff of Edmonson county, act for the benefit of	206
Mount Carmel, in Fleming county, act to amend the charter of the town of	396
Mount Sterling, act to amend act to amend and reduce into one the several acts relating to the charter of the town of	240
Mount Sterling Coal Road Company, act to incorporate the	317
act to amend act to incorporate the	482
Mount Sterling and Howard's Mill Turnpike Road company, act to amend the charter of the	406
Muhlenburg circuit court, act authorizing a special term of the	104
Muhlenburg county, act to repeal act authorizing the county judge of to change the South Carrollton and Madisonville road	525
Muldrough's Hill, Campbellsville, and Columbia Turnpike Road Company, act to authorize the to borrow money	244
Murphy, E. J., academy of, in Pembroke, Christian county, act to prevent the selling liquors within two miles of the	639
Murray Male and Female Institute, act to define and fix the boundaries of the Murray common school district, and to re-enact act for the benefit of	172
Musselman, Sarah Virginia, and her infant children, act for the benefit of	408
Navigable stream, act to repeal act declaring Wolf river a	160
Navigation, Lumber, Manufacturing, and Transportation Company, Big South Fork, act to incorporate the	662
Nelson, Achilles, trustee for Stephen Richardson, of Russell county, act for the benefit of	384

Nelson County Agricultural Association, act to authorize the president and directors of the to borrow money	147
Nelson Lodge, No. 96, I. O. O. F., at Deatsville, Nelson county, act to incorporate ..	531
Nethercutt, Stephen, late sheriff of Carter county, Seth Parker, Samuel Ellis, and R. B. Lovel, late sheriffs of Lewis county, and W. L. Crumbaugh, late sheriff of Lyon county, and their deputies, act for the benefit of	209
Nethercutt, Stephen, of Carter county, act for the benefit of	470
New Castle, Bank of, act to amend the charter of the	106
act to repeal act to amend the charter of the	263
New Columbus, act to incorporate the town of	635
New Liberty, Owen county, act for the benefit of the town marshal of	143
Newport, act to revise and amend the charter of the	327
act to authorize the city of to increase her bonded indebtedness in aid of water-works	364
Campbell county, act to amend the charter of the city of	124
in Campbell county, act to authorize the to issue bonds	240
Campbell county, act to create the office of street commissioner in	412
Newtown, in Scott county, act in relation to the town of	205
Nicholas and Mason circuit courts, act to amend act to regulate the time of holding the,	283
Nicholasville, act to amend the charter of the town of	222
North Middleton, act to amend act to reduce into one, amend, and digest the acts and amendatory acts incorporating the town of	365
Odd Fellows' Insurance Company, Kentucky, act to incorporate the	496
Odd Fellows' Tabernacle Association of Louisville, act to incorporate the	288
Ohio and Kentucky River Packet Company, act to incorporate the	476
Ohio county court, act to provide for the payment of expenses incurred by the in taking care of a pauper lunatic	395
Ohio River Valley Railroad Company, act to amend act to incorporate the	422
Oldham county, act to add a part of Henry county to the	113
Osceola, act to prohibit the sale of intoxicating liquors in the town of	144
Owen county, act providing for the payment of money to Eliza A. Taylor, of	135
act for the benefit of the town marshal of New Liberty	143
Owen county court, act authorizing the to levy a tax and issue bonds for bridge purposes	390
Owensboro, Glasgow, and Tennessee Railroad, Mining, and Manufacturing Company, act to charter the	426
act to establish and provide for a colored free school in the city of	441
act to amend the charter of the city of	630
act to authorize the city of to subscribe stock to the Vincennes, Petersburg, and Owensboro Railroad Company	646
Owingsville, Bath county, act to organize and establish a system of public schools in, act to amend and reduce into one the several acts in relation to the town of	452
Packet Company, Ohio and Kentucky River, act to incorporate the	476
Padgett, L. D., of Pulaski county, act for the benefit of	298
Paducah, act amending the charter of the city of, making a husband responsible for taxes due on his wife's property where he collects her rents	180

INDEX.

685

Paducah and North Ballard Turnpike Road Company, act to amend act to incorporate the	448
Paducah Savings Bank, act for the benefit of the	481
Paducah Street Railway Company, act to incorporate the	377
Paint Lick and Copper Creek Turnpike Road Company, act to amend the charter of the	475
Paris, city of, act to amend act to reduce into one the acts and amendatory acts incorporating the	541
Parker, Seth, act for the benefit of	209
Parkland, Jefferson county, act to incorporate the town of	596
Pearce, John, of Trimble county, act for the benefit of	475
Pearson, Joseph, of Estill county, act for the benefit of	320
Pembroke, in Christian county, act to amend the charter of the town of	419
Pendleton county, act to abolish the office of county treasurer of	118
act to amend act to create a special road law for	266
act for the benefit of John M. Curry, ex-sheriff of	285
act to provide for the construction and completion of turnpike roads in	448
act to prevent trespass in	523
act for the benefit of school districts Nos. 30 and 65, in	525
Pendleton county court, act to authorize the to levy a tax to pay off the railroad debt, ...	539
act to amend act to authorize the to raise money to build bridges, &c.	633
People's Savings Bank of Kentucky, act to charter the	610
Perry and Harlan counties, act to repeal act to regulate and create the office of county treasurer of	100
Petersburg Cemetery Company, act to incorporate the	392
Petty, Geo. L., assessor of Henry county, act for the benefit of	278
Pickering, J. W., of Crittenden county, act for the benefit of	629
Piercal, L. B., of Lewis county, act for the benefit of	313
Pike county, act for the benefit of	102
act for the benefit of Wm. Sword and Fleming Justice, of	302
act declaring Blackberry creek, in, a navigable stream	474
Pike county court, act to repeal act to authorize the to issue bonds for court-house purposes	101
Planters' Bank of Kentucky, act to amend the charter of the	423
Plow Manufacturing Company, Hopkinsville, act to incorporate the	173
Police court in the city of Hickman, act to amend act to regulate the civil jurisdiction of the	662
Police municipality in Jefferson county, act to incorporate a	293
act to apply the provisions of an act to incorporate a, to certain other precincts	633
Police officers in the counties of Webster and Monroe, act to regulate and make uniform the jurisdiction of	583
Portsmouth and Pound Gap Railroad Company, act to amend the charter of the	576
Powell county, act for the benefit of Henderson Goulee, of	412
act prohibiting the sale of ardent spirits in the county of	561
Presbyterian Church at Columbus, act to incorporate the trustees of the	316

Princeton, act to amend the charter of the, and to confer certain powers upon the board of trustees thereof	176
act to amend the charter of the town of	421
Princeton College, act to amend act to incorporate, &c.	433
Printing Company, Independent, act to incorporate the	615
Providence, act to amend act to incorporate the town of	583
Pulaski county, act for the benefit of L. D. Padge't, of	298
Ragan, C. G., late sheriff of Montgomery county, act for the benefit of	126
Railroad Company, Chicago and South Atlantic, of the State of Kentucky, act to incorporate the	501
of Kentucky, act supplemental to the act to incorporate the	605
Railroad Company, Cincinnati, Covington, and Cumberland Gap, act to amend act to incorporate the	300
Elizabethtown and Paducah, act to amend the charter of the	516
Evansville and Jackson, act to amend act to incorporate the	479
Lexington and Cumberland Gap, act to incorporate	584
Ohio River Valley, act to amend act to incorporate the	423
Portsmouth and Pound Gap, act to amend the charter of the	576
Transylvania Street, act to amend act to incorporate the	416
Vincennes, Petersburg, and Owensboro, act to authorize the city of Owensboro to subscribe stock to the	646
Railroad, Mining, and Manufacturing Company, Owensboro, Glasgow, and Tennessee, act to charter the	426
Railroad tax in the county of Montgomery, act to amend act providing for the collection of	153
Railway Company, Covington, Flemingsburg, and Pound Gap, act to amend act to incorporate the	291
Paducah Street, act to incorporate the	377
St. Louis and Southeastern, act to grant and confirm unto the, the rights, powers, &c., of the Henderson and Nashville Railroad Company, &c.	211
Real estate associations of Jefferson county, act regulating the transfer of stock in the, ...	324
Revised Statutes, act to repeal act to amend chapter 84 of the, title "Roads and Passways," so far as the same applies to Boyd, Carter, Pike, Lawrence, and other counties	189
Richardson, Stephen, of Russell county, act for the benefit of Achilles Nelson, trustee for	384
Richmond, act to amend act to incorporate and reduce into one all acts in regard to the town of	413
Richmond and Big Hill Turnpike Road Company, act to amend act to incorporate the, ...	405
Richmond Gas-light Company, act to incorporate the	275
act to amend act to incorporate the	414
Richmond and Lexington Turnpike Road Company, act to authorize the board of directors of the to take stock in the Athens and Walnut Hill Turnpike Road Company	166
Ritchie, Stephen, and Matt. Tewell and Martin Tewell, act for the benefit of	147

River Road Company, act to amend act to incorporate the.....	406
Road Company, River, act to amend act to incorporate the.....	406
Road law, special, for Pendleton county, act to amend act to create.....	266
Road laws of Boyd and Carter counties, act to amend the.....	383
Road, turnpike, Alexandria and Flagg Spring, act to renew the charter of the	125
Ashbottom, act to amend act to incorporate the.....	444
Bardstown and Green River, act in relation to the.....	540
Bloomfield and Springfield, act to amend act to amend the charter of the	444
Cabin Creek, act to amend act to amend the act incorporating the....	108
Camdensville, Johnsonville, and Burnt Church, act to amend and continue in force an act to incorporate the.....	438
Centreville and Jacksonville, act authorizing a sale of a portion of the	103
Clay's Mill, act to enable the managers of to borrow money	522
Columbia and Burksville, act to amend act to incorporate the.....	406
Concord and Tollsboro, act to amend the charter of the.....	109
Cynthiana and Millersburg, act to amend act to incorporate the.....	125
Cynthiana, Paddy's Run, and Lair's Station, act to amend act for the benefit of the	299
Elizaville Station and Mayslick, act to incorporate the	569
Georgetown, Oxford, and Leesburgh, act to authorize a sale of the....	385
in Harrison county, act to amend act to provide for the construction and completion of.....	370
Hustonville and Bradfordsville, act to amend the charter of the.....	412
Kingston and Boone's Gap, in Madison county, act to amend act to incorporate the.....	451
Lebanon and Pope's Creek, act to amend act to incorporate the.....	170
Ludlow and Pleasant Run, act for the benefit of the.....	524
Mount Sterling and Howard's Mill, act to amend the charter of the....	406
Muldrough's Hill, Campbellsville, and Columbia, act to authorize the to borrow money	244
Maysville, Paris, and Lexington, act to amend the charter of the....	413
Minerva and Beasley Creek, act for the benefit of the	410
Paducah and North Bullard, act to amend act to incorporate the.....	448
Paint Lick and Copper Creek, act to amend the charter of the.....	475
Richmond and Big Hill, act to amend act to incorporate the.....	405
Richmond and Lexington, act to authorize the board of directors of the to take stock in the Athens and Walnut Hill Turnpike Road Company	166
Shelby and Oldham, act to amend act to amend the charter of the....	582
Shiloh Church and Pitman Creek, act to incorporate the.....	407
Springfield and Harrodsburg, act to revive an act to incorporate the....	409
Springfield, Pleasant Run, and Mackville, act to amend the charter of the	306
Stamping Ground and Lerompt's Run, act to amend act to authorize the sale of the	385
Union Mills, act for the benefit of the.....	326

Road, turnpike, Vanceburg, Dry Run, and Kiuniconick Creek, act to amend act to incorporate the	178
Wilderness, act to amend act to amend and reduce into one the several acts concerning the management of the	307
in Pendleton county, act to provide for the construction and completion of	448
Roads in Boone county, act relating to opening and repairing in	167
Roads, public, in Butler county, act to repeal act to provide for the improvement of the	243
Rockcastle county, act to repeal act declaring certain portions of Roundstone creek, in, navigable	154
act to supply the county clerk's office with public books in	183
act to amend act to establish tram-tracks or railways to navigable streams and railroads in	326
act to establish an additional justices' district in	526
Roundstone creek, in Rockcastle county, act to repeal act declaring certain portions of navigable	154
Rowlett's Station, in Hart county, act to incorporate the town of	218
Russell, act to incorporate the town of, in Greenup county	649
Russellville Banking and Warehouse Company, act to amend the charter of the	279
Rutledge, T. D., of Daviess county, act for the benefit of	580
Samuels, T. W., late sheriff of Nelson county, act for the benefit of	582
Sand Spring district, in Grayson county, act to authorize the sheriff of, to hold an election for district officers	137
Saunders, Walter G., sheriff of Lincoln county, act for the benefit of	644
School, Auburn High, act to incorporate the	532
School, Collins district, in Henderson county, act to incorporate the	185
School, colored free, in the city of Owensboro, act to establish and provide for a	441
School district No. 1, known as Auburn district, Logan county, act for the benefit of, ...	545
No. 27, in Hancock county, act for the benefit of	145
No. 68, in Madison county, act for the benefit of	395
Murray, act to define and fix the boundaries of the, and to re-enact act for the benefit of the Murray Male and Female Institute	172
School districts Nos. 30 and 65, in Pendleton county, act for the benefit of	525
School fund belonging to Logan county, act relating to the surplus	136
School-house for district No. 43, in Graves county, act to provide for the purchase or erection of a	278
School-houses to be erected in the 8th and 9th Congressional Districts, act to amend act to amend act to cause good	293
School-houses in district No. 22, Greenup county, act to allow an additional tax to be levied for building	418
School, Kentucky Normal, at Carlisle, act to incorporate the	382
Schools, common, in Marshall, Livingston, and McCracken counties, act for the benefit of	483
of Trigg and Ballard counties, act for the benefit of the	159
Schools, -public, in the town of Ashland, act to authorize and establish a system of	659
in Owingsville, Bath county, act to organize and establish a system of	246

Sebree City, in Webster county, act to amend the charter of.....	527
Seminary, Bath, act to amend the charter of the.....	206
Theological, at Danville, act to amend act to incorporate the trustees of the	320
Sharp, Joshua, of Shelby county, act for the benefit of.....	104
Sharpsburg, in Bath county, act to amend the charter of the town of.....	120
Shelby, J. W., and wife, of Lincoln county, act for the benefit of.....	311
Shelby county, act for the benefit of Joshua Sharp, of.....	104
act to punish trespassers on real estate in the county of.....	404
Shelby and Oldham Turnpike Road Company, act to amend act to amend the charter of the.....	582
Shelbyville Gas-light Company, act to incorporate the.....	545
Sherburne Bridge Company, act to amend act incorporating the.....	556
Sheriff of Ballard county, act for the benefit of Lewis F. Marshall, of	118
Barren county, act for the benefit of S. S. Farris.....	166
Bourbon county, act for the benefit of Thos. E. Moore.....	138
Carroll county, act for the benefit of James T. Sullinger.....	437
Carter, Lewis, and Lyon counties, and their deputies, act for the benefit of	209
Clay county, act for the benefit of Haywood Gilbert, late.....	272
Clay county, act for the benefit of James Herd, late.....	613
Cumberland county, act for the benefit of the.....	379
Cumberland county, act for the benefit of A. T. Keen, late.....	640
Davies county, act for the benefit of the.....	581
Edmonson county, act for the benefit of Mason Morris, late.....	206
Edmonson county, act for the benefit of the securities of O. G. Moore, late.....	644
Elliott county, act for the benefit of Wm. Green, late.....	544
Grayson county, act to authorize to hold an election for district officers in Sand Spring district	137
Greenup county, act for the benefit of John E. Brooks, late.....	182
Hancock county, act for the relief of the.....	311
Harlan county, act for the benefit of John N. Howard.....	302
Henry county, act for the benefit of the.....	531
Letcher and Ballard counties, act for the benefit of James W. Hog and Lewis S. Lee.....	161
Lincoln county, act for the benefit of Walter G. Saunders.....	644
Logan county, act for the benefit of Geo. P. Gillum.....	282
Madison county, act for the benefit of Samuel Biggerstaff, late	269
Marion county, act for the benefit of F. K. Beaven.....	123
McCracken county, act providing that the failure of the to execute bond for the collection of the revenue shall not forfeit his office.....	119
McCracken county, act for the benefit of T. D. Grundy.....	141
McLean county, act for the benefit of L. P. Linley, late	389
Mercer county, act for the benefit of W. E. Clelland, late.....	314
Mason county, act for the benefit of the administrator of F. M. Weeden, late	443
Montgomery county, act for the benefit of C. G. Ragan, late	126

Sheriff of Montgomery county, act for the benefit of the administrator of W. E. Tip- ton, late	548
Nelson county, act for the benefit of Simon Humphrey	124
Nelson county, act for the benefit of T. W. Samuels, late	582
Ohio county, act for the benefit of John P. Barrett, late	388
Perry county, act for the benefit of Isaac K. Baker, late	312
Powell county, act for the benefit of Charles N. Hoskins	309
Shelby county, act for the benefit of H. C. Malone, late	140
Washington county, act for the benefit of A. J. Cocanougher, late	107
Webster county, act for the benefit of E. M. Springfield, late	313
Shiloh Church and Pitman Creek Turnpike Road Company, act to incorporate the	407
Simpson county court, act to authorize the to levy an additional tax in said county	527
Simpson and Pendleton counties, act for the benefit of keepers of stud-horses, jacks, and bulls in	616
Simpson, William, late clerk of the Wayne circuit and county courts, act for the ben- efit of the administrators of	133
Sinking creek, in Breckinridge county, act allowing netting for fish in	133
Smith, P. G., and Alexander Hauchin, securities of O. G. Moore, late sheriff of Ed- monson county, act for the benefit of	644
Society, Bourbon County Agricultural, act to amend the charter of the, and the laws in relation thereto	102
Bourbon County Agricultural, act to amend act for the benefit of the	142
Catholic Benevolent, of Mount Sterling, act to incorporate the	208
Franklin Colored Benevolent, of Franklin, act to incorporate	543
of Friends, of Garrard county, act to incorporate the, and to issue bonds to purchase a burial ground	273
Liederkrantz, act to authorize to issue additional stock	419
South Carrollton Male and Female Academy, act to charter the	573
Spencer county, act for the benefit of the jailer of	172
act for the benefit of Samuel K. Baird, assessor of	173
Springfield, E. M., late sheriff of Webster county, act for the benefit of	313
Springfield and Harrodsburg Turnpike Road Company, act to revive an act to incor- porate the	409
Springfield, Pleasant Run, and Mackville Turnpike Road Company, act to amend the charter of the	306
Stamping Ground and Lecompt's Run Turnpike Road, act to amend act to authorize the sale of the	385
Stanford, act to amend the charter of the town of	183
St. Charles, in Hopkins county, act to incorporate the town of	251
St. Louis and Southeastern Railway Company, act to grant and confirm unto the, the rights, powers, &c., of the Henderson and Nashville Railroad Company, &c.	211
Stock from running at large in Mason and Fleming counties, act to amend act to pre- vent live	405
Stock from running at large in Foster precinct, in Bracken county, act to prevent	614
Stoner Mouth Presbyterian Church, Bourbon county, act to amend act for the benefit of the	398
Street commissioner in Newport, Campbell county, act to create the office of	442

INDEX.

691.

Stringer, W. R., of Livingston county, act for the benefit of.....	397
Stud-horses, jacks, and bulls, act to amend act for the benefit of keepers of licensed....	523
Stud-horses, jacks, and bulls in Simpson and Pendleton counties, act for the benefit of keepers of.....	616
Sugar Creek Baptist Church, of Garrard county, act for the benefit of the	524
Sullinger, James T., sheriff of Carroll county, act for the benefit of.....	437
Sword, Wm., and Fleming Justice, of Pike county, act for the benefit of.....	302
Taliaferro, John, clerk of Clark circuit court, act for the benefit of.....	476
Taylor, Eliza A., of Owen county, act providing for the payment of money to.....	135
Taylor county, act for the benefit of William Durrett, of	418
Taylor County College, act to incorporate the	594
Taylorsville, act to amend act to reduce into one the several acts in relation to the town of	478
Tennessee river, act to prohibit the destruction of fish in.....	208
Tewell, Matt., and Martin Tewell and Stephen Ritchie, act for the benefit of.....	147
Theological Seminary at Danville, act to amend act to incorporate the trustees of the...	320
Thurman, S. R., act for the benefit of.....	385
Tipton, W. E., act for the benefit of the administrator of	548
Tipton, W. B., act for the benefit of	629
Todd county, act submitting a proposition to the voters in district No. 4, in, whether or not spirituous liquors shall be sold therein	534
Town, Ashland, act to authorize and establish a system of public schools in the	659
Augusta, in Bracken county, act to amend the charter of the.....	180
Barbourville, act to amend act to reduce into one all acts in relation to the....	387
Bellpoint, in Franklin county, act to amend the charter of the.....	210
Berry Station, act to amend act to change the name and extend the limits of the	589
Booneville, act to amend act to incorporate the town of.....	562
Cairo, in Henderson county, act to amend act to incorporate the.....	219
California, in Campbell county, act to incorporate the.....	268
Carlisle, act to repeal act to authorize the trustees of to grant coffee-house li- cense	628
Clayville, act to amend act for the organization of the public schools in the ..	634
Concord, in Lewis county, act to amend the charter of the.....	422
Crab Orchard, in Lincoln county, act to amend the charter of the	593
Danville, act to amend act to amend and reduce into one the several acts in re- lation to the.....	243
Dover, in Mason county, act to extend the limits of the.....	474
Dulaney, act to amend act to incorporate the town of.....	176
Earlington, act to amend the charter of the.....	238
Falmouth, act enlarging the corporate limits of.....	561
Flemingsburg, act in relation to the.....	268
Garnettsville, in Meade county, act to incorporate the town of.....	303
Garnettsville, Meade county, act to prohibit the sale of spirituous liquors in the	324
Geigerville, in the counties of Boyd and Carter, act to incorporate the.....	212
Georgetown, act for the benefit of the marshal of	164
Glenville, Adair county, act to prohibit the sale of spirituous liquors in the town of	321

Town, Greenville, in Adair county, act to amend act to incorporate the.....	469
Grayson, act to amend act to incorporate the.....	152
Greerupsburg, act to amend act to amend and reduce into one the several acts in relation to the.....	607
Greenville, Muhlenburg county, act to extend the limits of the town of.....	444
Greenville, in Muhlenburg county, act to amend the charter of the.....	541
Hamelton, in Ohio county, act to incorporate the.....	500
Harrodsburg, Mercer county, act to amend the charter of.....	133
Hartford, act to amend act to amend the charter of the.....	389
Hartford, act to amend act to amend the charter of the.....	478
Hinkleville, act to prohibit the sale of spirituous liquors within the corporate limits of the.....	117
Hopkinsville, act to amend act to amend and reduce into one the several acts concerning the.....	108
Horse Cave, act to amend act to incorporate the town of.....	221
Jeffersontown, act to amend the charter of, and establish a police court for said town.....	608
Lebanon, act to repeal act to authorize the board of trustees of the to issue bonds.....	124
Lebanon, in Marion county, act to amend the charter of.....	367
Loretto, in Marion county, act to amend the charter of the town of.....	413
Marion, in Crittenden county, act to repeal act to amend the charter of the.....	182
Milford, act to amend act incorporating the.....	628
Millersburg, Bourbon county, act to amend and revise the charter of.....	616
Monterey, act to incorporate the.....	636
Monticello, act to repeal sections of act to amend the charter of, and to regulate the traffic in liquors in.....	134
Morgantown, act to authorize the trustees of to sell part of Hobson street in.....	627
Mount Carmel, in Fleming county, act to amend the charter of the town of.....	396
Mount Sterling, act to amend act to amend and reduce into one the several acts relating to the charter of the.....	240
New Columbus, act to incorporate the.....	635
Newtown, in Scott county, act in relation to the.....	205
Nicholasville, act to amend the charter of the.....	222
North Middleton, act to amend act to reduce into one, amend, and digest the acts and amendatory acts incorporating the.....	365
Osceola, act to prohibit the sale of intoxicating liquors in the.....	144
Owingsville, act to amend and reduce into one the several acts in relation to the.....	452
Parkland, Jefferson county, act to incorporate the.....	596
Pembroke, in Christian county, act to amend the charter of the.....	419
Princeton, act to amend the charter of the, and to confer certain powers upon the board of trustees thereof.....	176
Princeton, act to amend the charter of the.....	421
Providence, act to amend act to incorporate the.....	583
Richmond, act to amend act to incorporate and reduce into one all acts in re- gard to the town of.....	413
Rowlett's Station, in Hart county, act to incorporate the.....	218

Town, Russell, in Greenup, county, act to incorporate the.....	649
Schree City, in Webster county, act to amend the charter of.....	527
Sharpsburg, in Bath county, act to amend the charter of the.....	120
Stanford, act to amend the charter of the town of.....	183
St. Charles, in Hopkins county, act to incorporate the.....	251
Taylorsville, act to amend act to reduce into one the several acts in relation to the.....	478
Upton, act to amend act incorporating the town of, in Hardin and Larue counties.....	276
Versailles, in Woodford county, act to authorize the creation of a building committee for the town of.....	300
West Covington, Kenton county, act to amend the charter of the.....	605
Tram-tracks or railways to navigable streams and railroads in Rockcastle county, act to amend act to establish.....	326
Transportation Company, Beargrass, act to amend act to incorporate the.....	250
Transylvania Street Railroad Company, act to amend act to incorporate the.....	416
Treasurer, county, of Pendleton county, act to abolish the office of.....	118
of Perry and Harlan, act to repeal act to regulate and create the office of.....	100
Trespass in Madison county, act to prevent.....	581
Trespass in Pendleton county, act to prevent.....	523
Trespasses by hunters, act to protect certain citizens of the county of Daviess from.....	530
Trespasses in Logan and Todd counties, act to amend act to protect the owners of land and to prevent.....	388
Trespassers on real estate in the county of Shelby, act to punish.....	404
Trigg county, act to supply the General Statutes to the justices of the peace of.....	412
act regulating the return of executions in.....	631
Trigg and Ballard counties, act for the benefit of the common schools of.....	159
Trimble county, act for the benefit of John Pearce, of.....	475
Turnpike Company, Warsaw, act to amend act to incorporate the.....	439
Turnpike Corporation, Bullitt county, act to create the.....	408
Union county, act to abolish the court of common pleas in.....	131
act for the benefit of.....	148
Union county court, act to amend act for the benefit of the, &c.....	424
Union Mills Turnpike Company, act for the benefit of the.....	326
University of Louisville, act for the benefit of the Law Department of.....	118
Upton, act to amend an act incorporating the town of, in Hardin and Larue counties.....	276
Valentine, J. W., jailer of Warren county, act for the benefit of.....	604
Vanceburg, Dry Run, and Kinniconick Creek Turnpike Road Company, act to amend act to incorporate the.....	178
Vanceburg Kentuckian, act requiring certain legal advertisements in Lewis county to be inserted in the.....	281
Versailles, in Woodford county, act to authorize the creation of a building committee for the town of.....	300
Vincennes, Petersburg, and Owensboro Railroad Company, act to authorize the city of Owensboro to subscribe stock to the.....	646
Wabash Island, act for the benefit of the owners of.....	642
Wages to laborers for the city of Louisville, act to insure and facilitate the payment of, 443	

Wallace, James, late sheriff of Christian county, act for the benefit of.....	314
Wallace, John, clerk of the Boone circuit court, act for the benefit of.....	390
Wall, Susan, of Garrard county, act for the benefit of.....	117
War Claim, act to provide for the compensation of George R. McKee for the prosecution of	643
Ward, T. S., jailer of Harlan county, act for the benefit of.....	560
Warsaw Turnpike Company, act to amend act to incorporate the.....	439
Warren county, act for the benefit of.....	114
act to change the voting place of the Elk Spring precinct, of	604
Warren court of common pleas, act to extend the to the counties of Butler, Edmonson, and Mublenburg.....	517
Warren Presbyterian Church, of Louisville, act to incorporate the.....	446
Washington county court, act to allow the to subscribe stock in the Springfield, Maxville, and Harrodsburg Turnpike Road.....	107
act authorizing the to increase the county levy.....	146
act empowering the to make additional subscription to turnpike roads	159
Wayne, Pulaski, and other counties, act to repeal article 2, chapter 102, General Statutes, so far as the same relates to	158
Webster and Monroe counties, act to regulate and make uniform the jurisdiction of police officers in.....	583
Weeden, F. M., late sheriff of Mason county, act for the benefit of the administrator of	443
West Covington, Kenton county, act to amend the charter of the town of.....	605
Wheat, Robert, a colored pauper idiot of Adair county, act for the benefit of.....	142
Wheeler, David, of Clinton county, act for the benefit of	135
Whitley county, act for the benefit of J. M. Barnett, of.....	270
Whitley quarterly court, act to cause certain books to be indexed belonging to the office of the.....	557
Whitt, J. G., of Elliott county, act for the benefit of	410
Widows' and Orphans' Home, Methodist Episcopal Church, South, act to amend the charter of the.....	222
Wilcher, Joseph, jailer of Gallatin county, act for the benefit of.....	437
Wilcox, D. C., late tax collector of the city of Paducah, act for the benefit of.....	151
Wilderness Turnpike Road, act to amend act to amend and reduce into one the several acts concerning the management of the	307
Williams, John H., assessor of Calloway county, act for the benefit of.....	526
Williams, R. W., jailer of Christian county, act for the benefit of	127
Williamsburg Masonic Institute, act for the benefit of the	565
Wimpsett, Robert, and George Boone, act for the benefit of.....	144
Wiftherspoon, J. & J. A., of Lawrenceburg, act incorporating the bank of.....	149
Wolf river, act to repeal act declaring a navigable stream.....	160
Woodford Driving Park, act to incorporate the	519
Woodridge-Goodloe contested election case, act providing for the cost and expenses incurred in the	516
World's Fair Association of Woodford county, act to amend act to incorporate the...	557

Stanford Law Library



3 6105 063 431 063